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Federal Role in U.S. Campaigns and Elections: An Overview

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Federal Role in U.S. Campaigns and Elections: An Overview

Conventional wisdom holds that the federal government plays relatively little role in U.S. campaigns and elections. Although states retain authority for most aspects of election administration, a closer look reveals that the federal government also has steadily increased its presence in campaigns and elections in the past 60 years. Altogether, dozens of congressional committees and federal agencies could be involved in federal elections under current law.

Congress faces a complex mix of traditional oversight areas and developing ones throughout the elections field. This report provides the House and Senate with a resource for understanding the current campaigns and elections regulatory structure. The report addresses those areas of law and public policy that most directly and routinely affect American campaigns and elections. This includes six broad categories of law through which Congress has assigned various agencies roles in regulating or supporting campaigns, elections, or both. These are campaign finance; election administration; election security; redistricting; qualifications and contested elections; and voting rights. Tables throughout the report, and two appendices at the end of the report, are designed to help the reader locate key information quickly. **Appendix A** provides a quick reference of key agency roles and statutory citations by policy area. **Appendix B** briefly summarizes information about executive orders issued during 2020 or later that are or were substantially related to federal elections policy.

No single federal agency is in charge of the federal role in campaigns and elections, just as multiple statutes address various aspects of the field. Two federal agencies' duties are devoted solely to elections issues. The Election Assistance Commission (EAC) administers available federal funding for state and territorial election administration, and provides these jurisdictions with information about election administration. The Federal Election Commission (FEC) administers civil aspects of federal campaign finance law. Congress has charged other departments and agencies with supporting campaigns and elections policy in specific cases, although those agencies' primary roles are focused on areas beyond elections. Examples include the Department of Homeland Security (DHS), Department of Justice (DOJ), and component organizations comprising the Intelligence Community (IC).

Statutory requirements establish specific, typically long-term roles for the federal government, the states, or both. Other factors, such as executive orders, changes in presidential or agency policy priorities, agency organization, funding, and emerging policy challenges, can affect the implementation of federal statutes affecting campaigns and elections.

This report does not track legislation that proposes changes in the policy environment discussed herein. It will be updated occasionally to reflect major developments.

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Introduction

This CRS report is intended to help Congress understand how the statutes and agencies it has created affect U.S. campaigns and elections. No single agency or statute provides overarching coordination for the federal role in campaigns and elections. As this report shows, at least 22 congressional committees; 20 federal departments or independent agencies (plus the Intelligence Community and the federal judiciary); 9 federal statutes; and several constitutional provisions can affect the federal role in campaigns and elections.

As this report discusses

- The federal role in campaigns and elections is limited, but can be extensive in those areas in which the federal government is involved. Congress has expanded the federal role in campaigns and elections in the past 60 years, particularly in campaign finance and voting rights.
- Campaigns and elections are different things and are regulated differently. The federal government plays relatively little role in regulating campaigns, except for campaign finance. The federal government primarily supports states in administering elections.
- Existing campaigns and elections policy primarily focuses on electioneering and voting. Topics such as issue advocacy or general attempts to influence public opinion are not necessarily regulated under federal law that covers campaigns and elections.
- The Election Assistance Commission and Federal Election Commission are the only two agencies devoted solely to campaigns and elections. The Justice Department administers and enforces some elections statutes. Agencies such as the Department of Homeland Security have seen their elections functions expand and retract as a matter of policy, although statutory changes specifically affecting their elections duties have been rare. Several other agencies also play roles in campaigns and elections.

The following pages are based on CRS research of statutory references¹ to campaigns and elections; legislative or other congressional activity; federal agency documents and websites; scholarly research; and media accounts.² Citations appear throughout, including to other CRS products that provide additional detail. This report does not track legislation.

¹ U.S. *Code* citations appear throughout this report. Title 52 citations reflect a 2014 “editorial reclassification” of federal election law. Some provisions noted in this report are now codified in Title 52 but were previously located in Titles 2 and 42 of the *Code*. On the old and new election-law citations, see U.S. House of Representatives, Office of Law Revision Counsel, “Editorial Reclassification, Title 52, U.S. Code,” <http://uscode.house.gov/editorialreclassification/t52/index.html>. As the Office of Law Revision Counsel (the House office that maintains the *U.S. Code*) explains, “No statutory text is altered by such editorial reclassification projects, other than necessary updates to references to reflect the reorganization. Relevant provisions are merely transferred from one place to another in the *Code*.” See U.S. House of Representatives, Office of Law Revision Counsel, “Editorial Reclassification,” <http://uscode.house.gov/editorialreclassification/reclassification.html>.

² In identifying the various federal roles and actors involved in U.S. elections, the analysis draws on elements of policy subsystems research, although this point is not essential for understanding the report. That approach is one of several scholarly frameworks that have been used to identify forces shaping policy agendas and evolution. More formal subsystems analyses typically examine reasons for policy change (e.g., enactment of legislation) and include nongovernmental entities not included here (especially interest groups and the media). For additional discussion of subsystems literature and related concepts, see, for example, Frank R. Baumgartner and Bryan D. Jones, “Agenda (continued...)

Scope of the Report

The report addresses those areas of law and public policy that most directly and routinely affect federal campaigns and elections.³ It does not attempt to cover every instance of federal involvement in this policy area. Other agencies⁴ or provisions in law or regulation that are not addressed here might be relevant in specific cases.⁵ For example, a campaign finance investigation might involve banking law, but because banking law typically is not a campaign finance policy or election administration matter in the United States, the report does not address it. The report also excludes agencies that Congress generally has prohibited from elections involvement, or in which involvement has merely been proposed. The Securities and Exchange Commission (SEC), for example, meets both criteria.⁶

The report emphasizes roles supporting or regulating campaigns and elections that Congress has assigned federal agencies in codified law. Unless otherwise noted, it does not address temporary provisions found in appropriations law.⁷ The report addresses some executive orders or other agency policy documents that have had long-term impacts on federal elections policy.

This report does not provide legal or constitutional analysis. Congress's authority to establish standardized election procedures for federal elections would stem primarily from the Elections Clause of the Constitution, as interpreted by the Supreme Court.⁸ In practice, federal, state, and local governments share responsibility for regulating or supporting campaigns and elections in the United States.

Dynamics and Policy Subsystems,” *The Journal of Politics*, vol. 53, no. 4 (1991), pp. 1044-1074; John W. Kingdon, *Agendas, Alternatives, and Public Policies* (Little, Brown, 1984); and James A. Thurber, “Political Power and Policy Subsystems in American Politics,” in *Agenda for Excellence: Administering the State*, ed. B. Guy Peters and Bert A. Rockman (Chatham House Publishers, 1996), pp. 76-104.

³ The report also does not address transitions from campaigning to governing. On transitions, see, for example, CRS Report WMR10006, *CRS Guide to Presidential Transitions*, by Maeve P. Carey et al.

⁴ The report does not address the roles of special counsels or agency inspectors general, which can be involved in investigating agency performance or compliance with law or regulation, as these entities do not regularly have specific elections-related roles. The report also does not address temporary bodies, such as presidential or congressional commissions.

⁵ Even the National Aeronautics and Space Administration (NASA) could be nominally involved in election administration. Astronauts have cast Texas absentee ballots from outer space. See, for example, National Aeronautics and Space Administration, “Astronauts to Vote From Space,” press release, October 27, 2008, https://www.nasa.gov/mission_pages/station/expeditions/expedition18/vote.html; Nell Greenfieldboyce, “NASA Helps Astronauts Cast Ballots from Space,” National Public Radio, transcript, June 23, 2008, <https://www.npr.org/templates/story/story.php?storyId=91791895>; and Sarah Kaplan, “How Do Astronauts Vote from Space?” *Washington Post*, blog, November 8, 2016, https://www.washingtonpost.com/news/speaking-of-science/wp/2016/11/08/how-do-astronauts-vote-from-space/?utm_term=.4bb94cb9ef93.

⁶ Congress has prohibited the SEC from spending appropriated funds on such activities. See, for example, H.R. 376 (115th Congress) and §635 of the FY2017 Consolidated Appropriations Act (P.L. 115-31), respectively. SEC “pay-to-play” rules affecting political contributions to certain local or state officials could affect federal candidates in limited circumstances. The topic is otherwise beyond the scope of this report.

⁷ The CRS Appropriations Status Table provides links to other CRS products on appropriations legislation. See CRS, “Appropriations Status Table,” <https://www.crs.gov/AppropriationsStatusTable/Index>. On agency roles and voter registration, such as via executive order, see CRS Insight IN11782, *Voter Registration Agencies Under the National Voter Registration Act of 1993 (NVRA)*, by Sarah J. Eckman.

⁸ For additional discussion, see, for example, CRS In Focus IF12453, *H.R. 4563, the American Confidence in Elections Act (ACE Act): Legal Background*, by L. Paige Whitaker; CRS Legal Sidebar LSB11244, *Election 2024: Recent Court Rulings on Voting and Counting Ballots*, by L. Paige Whitaker; and Congressional Research Service, “ArtI.S4.C1.2 States and Elections Clause,” *Constitution Annotated*, https://constitution.congress.gov/browse/essay/artI-S4-C1-2/ALDE_00013577/.

Finally, in some cases, the federal government's activities and authorities change over time, or new information becomes available. This report will be updated occasionally to reflect major developments or new information.

Policy Developments Subject to Change

Congress has made no major recent statutory changes affecting the federal role in campaigns or elections. Beyond statutory provisions, developments such as changes in presidential or agency policy priorities, agency organization, funding, and emerging policy challenges can impact the implementation of federal statutes affecting elections.⁹ This report includes some discussion of potentially more temporary policy changes affecting elections roles, but is not intended to provide detailed tracking of such developments.

Policy changes such as those below could have practical implications for the federal role in campaigns and elections at specific time periods, even without changes to the statutory roles this report emphasizes:

- executive orders that could affect federal responsibilities, as noted in **Appendix B**;
- appropriations activity affecting federal funding to assist states with election administration, or affecting federal-agency resources;
- agency reorganizations or staffing decisions affecting elections roles; and
- agency enforcement decisions that emphasize or deemphasize certain elections statutes or activities.

In some cases, these developments are or have been subject to litigation that is beyond the scope of this report.¹⁰

Organization of the Report

Two themes organize the analysis: *categories* and *roles*. *Categories* refer to six broad policy areas discussed in the following pages. These include

- campaign finance;
- election administration;
- election security;
- redistricting;
- qualifications and contested elections; and
- voting rights.

The report also briefly discusses other areas of law that can substantially affect campaigns, elections, or both. *Roles* refer to specific governmental responsibilities within the categories. These roles refer to what the federal government does to support, regulate, or fund aspects of U.S. campaigns or elections.

⁹ Additional detail about policy or agency changes, including some discussion of elections issues, appears in other CRS products cited throughout the report.

¹⁰ See, for example, CRS Legal Sidebar LSB11368, *Executive Order on Elections: Legal Background and Court Challenges*, by Jimmy Balser and L. Paige Whitaker.

Appendix A at the end of this report lists the roles organized by category. For example, the *Election Administration* category includes the *Voters—Registration* role. Importantly, these categories and roles are not definitive, and not necessarily mutually exclusive. What one reader would characterize as *Election Administration*, another might view as more appropriately *Voting Rights*.

Campaigns and Elections

Campaigns and *elections* are distinct concepts. This distinction affects the federal government’s role in both. Practically and simply, campaigns are about persuading voters in an effort to win elections. Voters express their campaign preferences by casting ballots in elections. Except for campaign finance policy, U.S. *campaigns* are subject to relatively little regulation. *Elections* in the United States are highly regulated and primarily a state-level responsibility.

The Federal Government and Campaigns

There is no uniform standard for campaign conduct in the United States. Primarily, federal policy regulates how campaigns and related entities raise and spend money. Most regulation of campaign conduct rests in campaign finance law.¹¹ This includes topics such as

- permissible and prohibited sources of contributions and expenditures (including a broad prohibition on fundraising, spending, and certain campaign involvement by foreign nationals);
- contribution limits;
- permissible and prohibited uses of campaign funds;
- public disclosure of contributions and expenditures; and
- disclaimers required for political advertising.

Most of these provisions apply to a limited set of actors known as “political committees.” These are candidate campaign committees, party committees, and political action committees (PACs).¹² In addition, campaign finance policy primarily affects activities that explicitly advocate for election or defeat of political candidates, or, in some cases, certain preelection advertising¹³ that mentions candidates but does not explicitly call for election or defeat.

Other areas of law and regulation sometimes affect campaigns, but do not specifically address campaign conduct. For example, state or local property law might govern disputes over campaign assets. In general, however, barring some other provision of federal, state, or local law (such as corporate law, or law prohibiting race-based discrimination), federal campaign finance policy is silent on topics such as

- campaign management, including strategy, theme, and message;
- field activities (e.g., get-out-the-vote [GOTV] efforts);
- voter targeting;

¹¹ Principally, this includes the Federal Election Campaign Act (FECA). See 52 U.S.C. §§30101-30146. For additional discussion, see CRS In Focus IF10277, *Candidates, Groups, and the Campaign Finance Environment: A Brief Overview*, by R. Sam Garrett.

¹² See 52 U.S.C. §30101(4).

¹³ These are “electioneering communications.” See 52 U.S.C. §30104(f)(3).

- strategic relationships among political committees and other organizations, provided that they do not violate prohibitions on coordination or result in prohibited in-kind contributions;
- use of political consultants and vendors; and
- commercial transactions, provided that they are at fair-market value.

Consequently, the federal government plays relatively little role in campaign conduct. As discussed below, the federal role in elections also is limited but far greater.

Federalism in Elections: Who Does What, In Brief

The federal role in elections is limited yet complicated. The Constitution and federalism limit the federal government's roles to specific tasks, many of which support states, territories, and localities. Within its purview, however, the federal government's duties can involve multiple statutes, agencies, and areas of public policy. **Table 1** below provides a brief overview of the major functions performed by the federal government and by the states.¹⁴ **Appendix A** at the end of this report provides additional detail and cites relevant federal statutes.

Table 1. Categories of Major Governmental Functions in U.S. Campaigns and Elections, In Brief

(Refers to federal elections only)

| Major Governmental Function | Government Primarily Responsible | Federal Agencies Primarily Involved |
|---|----------------------------------|--|
| Campaign Finance | Federal | <ul style="list-style-type: none"> Federal Election Commission Department of Justice |
| Election Administration | States | <ul style="list-style-type: none"> Election Assistance Commission Department of Justice |
| Election Security | States | <ul style="list-style-type: none"> Election Assistance Commission Department of Homeland Security Department of Justice |
| Qualifications and Contested Elections | Federal | <ul style="list-style-type: none"> House and Senate |
| Redistricting | States | <ul style="list-style-type: none"> Department of Commerce Department of Justice |
| Voting Rights | Federal | <ul style="list-style-type: none"> Department of Justice |

Source: CRS.

Note: See additional discussion in the text of this report. References to state-government responsibilities include territorial governments. In many states, local governments (especially counties) administer elections. As noted in the text of the report, other agencies not listed in the table also exercise government elections functions in specific cases (e.g., the U.S. Postal Service transmits election mail, which could be relevant for aspects of the “Election Administration” and “Election Security” rows in the table).

¹⁴ This report uses the term “states” for general discussion purposes to apply to states, territories, and the District of Columbia (DC). Specific statutes vary in their applicability to states, territories, and DC.

Federal roles in elections include activities such as

- providing Census Bureau data to the states to facilitate redistricting;
- since 2002, providing occasional funding to states to support election administration;
- facilitating voluntary information-sharing and “best practices” among states;
- regulating campaign finance in federal elections;
- prohibiting voter discrimination based on color, race, or language in U.S. elections;
- facilitating access to absentee voting by members of the uniformed services¹⁵ and overseas civilians, and their families;
- assisting states with election security to respond to threats that are beyond normal state or local capabilities; and
- performing specified other elections duties as required in federal statute (e.g., providing threat assessments or protecting presidential candidates).

Most aspects of voting and administering elections are notably absent from this list because they fall to the states. Federal provisions discussed throughout the report also can affect state obligations.¹⁶ In general, state and local government roles in elections include activities such as

- managing and implementing all aspects of election administration and voting;
- choosing voting methods and purchasing equipment;
- determining voter eligibility and identification requirements; and
- securing election systems and polling places.

To summarize, states, territories, and local election jurisdictions (often counties) do most of the work of administering federal elections.¹⁷ They also retain most authority over how those elections are conducted. The federal government primarily supports state, territorial, and local election jurisdictions. The federal government also is responsible for ensuring that state, territorial, and local jurisdictions administer their elections consistent with federal law.

The Constitution and Major Federal Statutes

The Constitution and federal statutes establish the federal role in U.S. campaigns and elections. The following discussion addresses constitutional provisions; statutes that primarily regulate campaigns and elections; and, finally, statutes that can affect campaigns and elections but primarily address other policy issues. **Appendix A** at the end of this report provides citations to other areas of law that may be relevant in specific cases but are not otherwise addressed in the report. **Appendix B** briefly summarizes recent executive orders (EOs) that appear to be

¹⁵ The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) covers members of the U.S. Air Force, Army, Coast Guard, Marine Corps, Navy, and Merchant Marine; and the commissioned corps of the U.S. Public Health Service and of the National Oceanographic and Atmospheric Administration. See 52 U.S.C. §§20310(1); 20310(7). For UOCAVA purposes, the Space Force was included in the *uniformed service* definition in a 2021 rulemaking. See Department of Defense, “Federal Voting Assistance Program (FVAP),” 86 *Federal Register* 70746-707748, December 13, 2021.

¹⁶ For example, state voter-eligibility determinations must be consistent with federal law, such as the Voting Rights Act.

¹⁷ For additional discussion, see CRS Report R45549, *The State and Local Role in Election Administration: Duties and Structures*, by Karen L. Shanton.

particularly relevant for the federal role in campaign finance, elections, or voting policy. Importantly, EO^s and other nonstatutory provisions are particularly subject to change.

The Constitution

The U.S. Constitution recognizes states' primary roles in election administration but also provides specific powers and responsibilities for the federal government.

- Article I sets criteria for House and Senate elections. In addition, the Elections Clause, in Article I, Section 4, assigns states with setting the “Times, Places and Manner” for House and Senate elections, but also permits Congress to “make or alter such Regulations,” except for the “Places of chusing Senators.”¹⁸ Article I requires a decennial census, the basis of congressional apportionment. Subsequent amendments (discussed below) affect some of these provisions. Article I also grants the House and Senate authority over “Judg[ing] the Elections” for each chamber.¹⁹
- Article II sets criteria for presidential elections. This includes allocating presidential electors among the states, permitting Congress to “determine the Time of chusing” presidential electors, and specifying that Congress may determine a nationwide date for presidential electors to cast ballots.²⁰
- The Twelfth Amendment altered the original presidential and vice-presidential election process.²¹
- The Fourteenth Amendment contains the Equal Protection Clause (Section 1), the basis for some voting rights claims; and specifies the method for House apportionment (Section 2).
- The Fifteenth Amendment prohibits race-based disenfranchisement.
- The Nineteenth Amendment prohibits sex-based disenfranchisement.
- The Twenty-third Amendment provides electoral college votes to the District of Columbia.
- The Twenty-fourth Amendment prohibits poll taxes in federal elections.
- The Twenty-sixth Amendment, ratified in 1971 amid controversy over the Vietnam War draft, grants 18-year-olds voting rights.

Major Federal Statutes that Regulate Campaigns and Elections

At least nine major statutes substantially affect the federal role in U.S. campaigns and elections. This section provides brief highlights of each, and cites other CRS products that contain additional detail.

¹⁸ U.S. Constitution, Art. 1, §4. State legislatures chose Senators until 1913. The Seventeenth Amendment, ratified that year, established popular elections for Senators. Popular voting for Senators began in 1914. See also CRS In Focus IF11907, *U.S. Senate Vacancies: How Are They Filled?*, by Sarah J. Eckman.

¹⁹ U.S. Const., Art. I, §5.

²⁰ U.S. Const., Art. II, §1.

²¹ In a preparty era, the first- and second-place finishers were elected as President and Vice President, respectively. Party tickets made this arrangement unworkable, as evident in the 1800 presidential election. The states ratified the amendment in 1804. For additional discussion, see, for example, archived CRS Report RL32611, *The Electoral College: How It Works in Contemporary Presidential Elections*, by Thomas H. Neale.

Campaign Finance

Federal Election Campaign Act

Modern campaign finance law dates to the 1970s, with the 1971 enactment of the Federal Election Campaign Act (FECA)²² and major amendments in 1974, 1976, and 1979.²³ Collectively, these provisions

- established limits on sources and amounts of campaign contributions;
- mandated public reporting (“disclosure”) requirements to document financial transactions; and
- created the Federal Election Commission as the nation’s civil campaign finance enforcement agency.²⁴

Congress enacted the most significant amendment to FECA to date in 2002, via the Bipartisan Campaign Reform Act (BCRA).²⁵ Among other provisions, the act

- banned national parties, federal candidates, and officeholders from raising “soft money”²⁶ in federal elections;
- increased most contribution limits; and
- placed additional restrictions on preelection issue advocacy known as “electioneering communications.”²⁷

Major litigation affected interpretation of these statutes and of some others discussed in this report. Other CRS products contain additional information.²⁸

Election Administration

Help America Vote Act

Congress enacted the Help America Vote Act (HAVA)²⁹ in 2002, after the disputed 2000 presidential election raised concerns about election administration, ballot design, and voting equipment around the country. HAVA remains the nation’s primary federal statute devoted to election administration. Major HAVA provisions generally cover three main categories: (1) requirements for states in administering federal elections; (2) authorizations of federal funding to

²² 52 U.S.C. §§30101-30146.

²³ For additional historical discussion, see CRS Report R41542, *The State of Campaign Finance Policy: Recent Developments and Issues for Congress*, by R. Sam Garrett. As originally enacted, FECA subsumed previous campaign finance statutes, such as the 1925 Corrupt Practices Act, which, by the 1970s, were largely regarded as ineffective, antiquated, or both. The Corrupt Practices Act, which FECA generally supersedes, is 43 Stat. 1070.

²⁴ CRS Report R45160, *Federal Election Commission: Membership and Policymaking Quorum, In Brief*, by R. Sam Garrett.

²⁵ BCRA is P.L. 107-155; 116 Stat. 81. BCRA amended FECA, which appears at 52 U.S.C. §§30101 et seq. (previously codified at 2 U.S.C. §§431 et seq.). BCRA is also known as “McCain-Feingold.”

²⁶ “Soft money” in this context refers to unlimited contributions, especially to political parties, to support the party generally but not specifically to affect elections.

²⁷ See 52 U.S.C. §30104(f)(3).

²⁸ On selected campaign finance litigation, see CRS Report R45320, *Campaign Finance Law: An Analysis of Key Issues, Recent Developments, and Constitutional Considerations for Legislation*, by L. Paige Whitaker; and CRS Infographic IG10054, *Campaign Finance Law and the U.S. Supreme Court*, by L. Paige Whitaker.

²⁹ As enacted, HAVA is P.L. 107-252. Currently, the law is codified at 52 U.S.C. §§20901-21145.

support election administration; and (3) establishment of Election Assistance Commission authorities.³⁰ In particular, HAVA includes language

- authorizing payments to support election administration in the states, to meet the act's requirements, and to replace lever and punchcard voting systems;
- requiring states to establish statewide voter registration databases, provide accessible systems for voters with disabilities, and provide provisional ballots to voters whose eligibility is unclear, among other requirements affecting federal elections;
- transferring the Federal Election Commission's previous election administration functions to a new independent agency, the Election Assistance Commission (EAC);³¹
- requiring the EAC³² to disburse the federal payments to states;
- charging the EAC with conducting research on election administration and developing voluntary voting system guidelines (VVSG) for election equipment, and with accrediting testing laboratories and certifying election equipment;³³
- generally prohibiting the EAC from engaging in rulemaking;³⁴
- establishing working relationships between the EAC and several other governmental and nongovernmental entities, including through a Standards Board³⁵ and Board of Advisors (which includes representatives from various federal agencies) to provide input on election "best practices," EAC research, and VVSG matters,³⁶ and a Technical Guidelines Development Committee (TGDC)³⁷ to review the VVSG;

³⁰ For additional discussion, see CRS Report R46949, *The Help America Vote Act of 2002 (HAVA): Overview and Ongoing Role in Election Administration Policy*, by Karen L. Shanton.

³¹ For additional discussion, see CRS Report R45770, *The U.S. Election Assistance Commission (EAC): Overview and Selected Issues for Congress*, by Karen L. Shanton; and CRS In Focus IF10981, *The U.S. Election Assistance Commission (EAC): An Overview*, by Karen L. Shanton.

³² Section 101 of the act assigned the General Services Administration (GSA) with disbursing payments to states until the EAC was operational. See 52 U.S.C. §20901(a). As noted below, HAVA also assigns some grant-administration responsibilities to the Department of Health and Human Services.

³³ For additional discussion, see, for example, CRS Report R47592, *Federal Standards and Guidelines for Voting Systems: Overview and Potential Considerations for Congress*, by Karen L. Shanton; and CRS Report WPD00099, *Elections Podcast: Federal Standards and Guidelines for Voting Systems*, by Karen L. Shanton.

³⁴ See 52 U.S.C. §20929. The EAC does have authority to issue a federal voter registration form, in consultation with states. See 52 U.S.C. §20508 on the registration form and required reporting to Congress.

³⁵ The Standards Board includes state and local election officials. See 52 U.S.C. §20943; and U.S. Election Assistance Commission, "Charter of the U.S. Election Assistance Commission Standards Board," April 11, 2025, https://www.eac.gov/sites/default/files/2025-04/Charter_EAC_Standards_Board_2025.pdf.

³⁶ The Board of Advisors includes members from various interest groups/professional associations; and those appointed by the Justice Department; Director of the Federal Voting Assistance Program (Department of Defense); U.S. Access Board; and by Members of congressional leadership and by the Committee on House Administration and the Senate Rules and Administration Committee. See 52 U.S.C. §20944; and U.S. Election Assistance Commission, "Charter of the U.S. Election Assistance Commission Board of Advisors," April 11, 2025, https://www.eac.gov/sites/default/files/2025-04/Charter_EAC_Board_of_Advisors_2025.pdf.

³⁷ The TGDC includes members of the Standards Board; Board of Advisors; U.S. Access Board; and other interest groups/professional associations. See 52 U.S.C. §20961; and U.S. Election Assistance Commission, "Charter of the U.S. Election Assistance Commission Technical Guidelines Development Committee," April 11, 2025, https://www.eac.gov/sites/default/files/2025-04/Charter_EAC_Technical_Guidelines_Development_Committee_2025.pdf.

- providing the Justice Department³⁸ with enforcement authority; and
- expanding protections for military and overseas voters' access to election information and absentee ballots.

A 2024 amendment to HAVA also requires states to provide specified access for designated congressional observers in federal elections.³⁹

National Voter Registration Act

Congress enacted the National Voter Registration Act (NVRA, sometimes called the “Motor-Voter” law) in 1993.⁴⁰ In brief, current major NVRA provisions include

- requiring states to provide voter-registration materials at certain governmental agencies, such as motor-vehicle and social service agencies;
- requiring states to accept registration applications by mail using a federal form;
- restricting removing voters from registration lists (e.g., “purging”) in certain circumstances, and regulating some practices that states may use to maintain their registration lists;⁴¹
- permitting voters who have moved within voting jurisdictions to correct an address at the polling place or a central location (the “fail-safe” provisions); and
- requiring states to designate a chief state election official for purposes of the act (and which is sometimes cross-referenced in other law or legislation that affects states).⁴²

Parts of the act also interact with provisions found in the Uniformed and Overseas Citizens Absentee Voting Act and the Voting Rights Act, both of which are discussed below. The Justice Department is responsible for civil NVRA enforcement.

Uniformed and Overseas Citizens Absentee Voting Act

Congress has enacted laws to help members of the military vote since the Civil War.⁴³ Current provisions, which also cover overseas civilians, appear in the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).⁴⁴ Congress most recently substantially amended UOCAVA in 2009, when it included provisions in stand-alone measure S. 1415, the Military and Overseas

³⁸ See, for example, 52 U.S.C. §21111. On certain state-based administrative grievance procedures, see 52 U.S.C. §21112.

³⁹ As enacted, see P.L. 118-106; 138 Stat. 1591. As currently codified, see 52 U.S.C. §21083a.

⁴⁰ As enacted, see P.L. 103-31. NVRA is currently codified at 52 U.S.C. §§20501-20511. For additional discussion of the NVRA and its development, see CRS Report R45030, *Federal Role in Voter Registration: The National Voter Registration Act of 1993 (NVRA) and Subsequent Developments*, by Sarah J. Eckman. On agency roles and voter registration, such as via executive order, see CRS Insight IN11782, *Voter Registration Agencies Under the National Voter Registration Act of 1993 (NVRA)*, by Sarah J. Eckman.

⁴¹ Some practices have been subject to litigation, which is beyond the scope of this report. For additional discussion, see CRS Legal Sidebar LSB10175, *Supreme Court Rules Ohio Voter Roll Law Comports with National Voter Registration Act*, by L. Paige Whitaker.

⁴² 52 U.S.C. §20509.

⁴³ For additional discussion, see CRS In Focus IF11642, *Absentee Voting for Uniformed Services and Overseas Citizens: Roles and Process, In Brief*, by R. Sam Garrett; and Donald S. Inbody, *The Soldier Vote: War, Politics, and the Ballot in America* (Palgrave, 2016).

⁴⁴ 52 U.S.C. §§20301-20311.

Voter Empowerment (MOVE) Act in the FY2010 National Defense Authorization Act (NDAA).⁴⁵ In brief, UOCAVA

- applies to eligible members⁴⁶ of the U.S. military and of some other “uniformed services,” who are serving away from their residence for voting purposes, and to their spouses and dependents, and to overseas civilians;
- encourages or requires states to make registration and voting easier for military voters, overseas citizens, or both, such as through accepting single absentee-ballot requests for multiple elections, accepting a federal write-in absentee ballot (FWAB), accepting registrations and ballots without notarization, and processing UOCAVA absentee ballots expeditiously; and
- through HAVA amendments to UOCAVA, directs the Secretary of Defense to conduct outreach concerning military voting and to provide registration and voting assistance to servicemembers. (As of this writing, the Secretary of Defense is using a secondary Secretary of War designation, under Executive Order 14347 dated September 5, 2025.⁴⁷)

The Department of Defense, Federal Voting Assistance Program (FVAP), administers UOCAVA. Individual federal agencies with covered employees also could have UOCAVA compliance responsibilities.⁴⁸ The Justice Department is responsible for civil enforcement of some UOCAVA provisions.

Qualifications and Contested Elections

Electoral Count Act

Congress enacted the Electoral Count Act in 1887.⁴⁹ This statute, as amended, and the Twelfth Amendment to the U.S. Constitution, establish a timeline and procedures for electoral college action, and for the joint session of Congress that convenes to count the electoral college results. Congress amended the ECA via the Electoral Count Reform Act (ECRA) in 2022. Collectively, these provisions, codified in Title 3 of the *U.S. Code*, specify how Congress—and, in some cases, the states and DC—implement their electoral college roles.

⁴⁵ For the enacted version, see P.L. 111-84.

⁴⁶ The act covers members of the U.S. Air Force, Army, Coast Guard, Marine Corps, Navy, and Merchant Marine; and the commissioned corps of the U.S. Public Health Service and of the National Oceanographic and Atmospheric Administration. See 52 U.S.C. §§20310(1); 20310(7). The Space Force was included in the *uniformed service* definition in a 2021 rulemaking. See Department of Defense, “Federal Voting Assistance Program (FVAP),” 86 *Federal Register* 70746-707748, December 13, 2021.

⁴⁷ See Executive Order 14347, “Restoring the United States Department of War,” 90 *Federal Register* 173, September 10, 2025.

⁴⁸ Other federal agencies have responsibility for administering provisions regarding their employees or dependents (e.g., military services conducting outreach to uniformed services members and families, and civilian federal agencies with overseas employees or family members). On voting assistance plans and resources, see Federal Voting Assistance Program, “Directives and Guidance for Voting Assistance Officers,” <https://www.fvap.gov/vao/directives>.

⁴⁹ See 24 Stat. 373 on the ECA; and P.L. 117-328, Division P, Title I, on the ECRA. For additional discussion, see CRS In Focus IF12682, *Electoral College Overview*, by R. Sam Garrett; and CRS Report R48309, *Joint Session of Congress for Counting Electoral Votes for President*, by Elizabeth Rybicki, L. Paige Whitaker, and R. Sam Garrett.

Federal Contested Election Act

U.S. constitutional provisions discussed elsewhere in this report address qualifications and vacancies among federal officeholders. State law also covers some scenarios. The Federal Contested Election Act (FCEA, which appears as the Federal Contested *Elections* Act in some texts)⁵⁰ applies to contested U.S. House elections, as do constitutional provisions and chamber rules. FCEA, enacted in 1969,⁵¹ primarily concerns procedural and judicial provisions that govern House contests. FCEA does not cover contested Member-elect qualifications or eligibility.

Voting Rights

For more than 60 years, protecting voting rights has been one of the federal government's most prominent elections roles. Enactment of modern federal law to protect access to registration and the ballot followed more than a century of national struggle on politics and race. More recently, Congress has enacted federal law designed to make registering to vote, and being able to cast ballots, easier for those who are blind, disabled, or elderly.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA), enacted in 1990, prohibits disability-based discrimination in a variety of public and private services, most of which are beyond the scope of this report.⁵² The law does not specifically address elections, although the findings section references voting discrimination against individuals with disabilities.⁵³ Justice Department regulations⁵⁴ implementing the statute require accessible public programs and services. The ADA and Justice Department regulations implementing Title II of the act are therefore sometimes included in discussions of federal provisions requiring accessible polling places.⁵⁵

Voting Accessibility for the Elderly and Handicapped Act

Congress enacted the Voting Accessibility for the Elderly and Handicapped Act (VAEHA) in 1984.⁵⁶ VAEHA generally requires states to

- make polling places and registration locations accessible to disabled or elderly voters,⁵⁷ or to provide an alternate voting method; and
- provide registration and voting aids for disabled or elderly voters.

⁵⁰ 2 U.S.C. §§381-396. For additional discussion, see CRS In Focus IF11734, *The Federal Contested Election Act: Overview and Recent Contests in the House of Representatives*, by R. Sam Garrett, L. Paige Whitaker, and Christopher M. Davis. CRS Report RL33780, *Procedures for Contested Election Cases in the House of Representatives*, by L. Paige Whitaker.

⁵¹ As enacted, see P.L. 91-138.

⁵² As enacted, see P.L. 101-336. As currently codified, see 42 U.S.C. §§12101-12213.

⁵³ See 42 U.S.C. §12101(a)(3).

⁵⁴ See 28 C.F.R. §§35.101-35.190.

⁵⁵ For additional discussion, see, for example, Table 1 in U.S. Government Accountability Office, *Voters With Disabilities*, GAO-18-4, October 2017, p. 9; and U.S. Department of Justice, Civil Rights Division, Disability Rights Section, *The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities*, September 2014, https://www.ada.gov/ada_voting/ada_voting_ta.htm; and U.S. Department of Justice, Civil Rights Division, Disability Rights Section, *ADA Checklist for Polling Places*, June 2016, <https://www.ada.gov/votingck.htm>.

⁵⁶ As enacted, see P.L. 98-435. As currently codified, see 52 U.S.C. §§20101-20107.

⁵⁷ As defined in the act, this is persons age 65 or older. See 52 U.S.C. §20107(2).

The Justice Department enforces these provisions.

Voting Rights Act

Congress originally enacted the Voting Rights Act (VRA) in 1965, at the height of the civil rights movement and amid violent voter suppression in some states.⁵⁸ Congress extended or expanded the VRA several times between 1970 and 2006. The 2013 Supreme Court decision in *Shelby County v. Holder*⁵⁹ substantially affected the two sections of the VRA, although the case explicitly addressed only one. Specifically, in *Shelby County*, the Court invalidated Section 4(b) of the VRA. This section of the act contained a coverage formula that identified jurisdictions within states, and some entire states, that had previously engaged in discrimination or contained minority-language populations that Congress determined warranted additional federal voting protections. Under Section 5 of the act, the U.S. Attorney General or the U.S. District Court for the District of Columbia had to approve in advance (“preclear”) voting changes (e.g., changes in polling places) in those jurisdictions. Although the Court did not invalidate Section 5, it is inoperable now that Section 4(b) has been invalidated.

Among other provisions, the VRA

- prohibits states and other jurisdictions (“political subdivisions”) from using race- or color-based qualifications, standards, or practices in registration, voting, or redistricting;
- prohibits previous tools used to disenfranchise voters, such as poll taxes or literacy tests;
- permits voting assistance and promotes polling place access for voters who are elderly or disabled;
- permits the Justice Department to monitor elections to protect voting rights;⁶⁰ and
- requires the U.S. Census Bureau to conduct post-election surveys about voter registration and participation by age, race, and national origin in covered jurisdictions.

Redistricting

Constitutional provisions establish the decennial census, apportionment, and redistricting processes. Federal statutes codify elements of those provisions.⁶¹ As noted previously, the Voting

⁵⁸ As enacted, see P.L. 89-110. The VRA is currently codified at 52 U.S.C. §§10101-10702. For historical background, see CRS Report R47520, *The Voting Rights Act: Historical Development and Policy Background*, by R. Sam Garrett. See also CRS Legal Sidebar LSB10624, *Voting Rights Act: Supreme Court Provides “Guideposts” for Determining Violations of Section 2 in Brnovich v. DNC*, by L. Paige Whitaker; and CRS Legal Sidebar LSB10771, *Voting Rights Act: Section 3(c) “Bail-In” Provision*, by L. Paige Whitaker.

⁵⁹ See *Shelby County, Alabama v. Holder*, 133 S. Ct. 2612 (2013). The coverage formula appears in Section 4 of the VRA. For historical background, see CRS Report R47520, *The Voting Rights Act: Historical Development and Policy Background*, by R. Sam Garrett.

⁶⁰ The Justice Department has interpreted some provisions as inoperable post-*Shelby County*. See, for example, U.S. Department of Justice, “About Federal Observers and Election Monitoring,” <https://www.justice.gov/crt/about-federal-observers-and-election-monitoring>.

⁶¹ See 2 U.S.C. §§2a-2c; and 13 U.S.C. §141. See also CRS In Focus IF13082, *Mid-Decade Congressional Redistricting: Key Issues*, by Sarah J. Eckman and L. Paige Whitaker. For additional discussion, including historical discussion regarding statutory provisions regarding reapportionment and redistricting, see CRS In Focus IF12567, *Election Policy Fundamentals: Single-Member House Districts*, by Sarah J. Eckman and Tyler L. Wolanin; and CRS (continued...)

Rights Act prohibits using race, color, or minority language status to discriminate against voters (e.g., vote dilution), including in redistricting.⁶²

Other Areas of Law that Can Substantially Affect Campaigns and Elections

Other areas of law also can affect campaigns, elections, or both.

- Various criminal provisions apply to prohibited election conduct. Some of these provisions are codified in laws cited elsewhere in this report; some appear in Title 18 of the *U.S. Code*.⁶³ The Justice Department investigates and enforces these provisions, and some civil ones related to elections. Title 18 also provides the U.S. Secret Service with authority for protecting major presidential candidates.⁶⁴ Among other criminal provisions related to campaigns and elections, federal law prohibits
 - intimidation, threats, and coercion in voter registration, voter assistance, or voting;⁶⁵
 - fraudulent voter registration and election tabulation;⁶⁶
 - using government authority to interfere with the nomination process or election results;⁶⁷
 - foreign nationals (except permanent resident aliens) from making campaign contributions or expenditures;⁶⁸
 - noncitizen (“alien”) voting in federal elections;⁶⁹
 - coercion of political activity in federal employment;⁷⁰ and
 - generally, a military role in elections.⁷¹

Insight IN11618, *Congressional Redistricting Criteria and Considerations*, by Sarah J. Eckman. See also CRS In Focus IF12250, *Congressional Redistricting: Key Legal and Policy Issues*, by L. Paige Whitaker and Sarah J. Eckman.

⁶² For discussion of legal issues, including Supreme Court litigation, see, for example CRS Report R44798, *Congressional Redistricting Law: Background and Recent Court Rulings*, by L. Paige Whitaker; and CRS Legal Sidebar LSB10164, *Partisan Gerrymandering: Supreme Court Provides Guidance on Standing and Maintains Legal Status Quo*, by L. Paige Whitaker.

⁶³ For additional detail, see *Federal Prosecution of Election Offenses*, 8th edition, ed. Richard C. Pilger (U.S. Department of Justice, 2017), <https://www.justice.gov/criminal/file/1029066/download> (especially Appendix B). See also CRS Legal Sidebar LSB11125, *Overview of Federal Criminal Laws Prohibiting Interference with Voting*, by Jimmy Balser.

⁶⁴ 18 U.S.C. §3056.

⁶⁵ 18 U.S.C. §594. See also 52 U.S.C. §20511(1). For additional discussion, see, for example, CRS Legal Sidebar LSB10781, *Overview of Federal Criminal Laws Prohibiting Threats and Harassment of Election Workers*, by Jimmy Balser.

⁶⁶ 52 U.S.C. §20511(2).

⁶⁷ See, for example, 18 U.S.C. §595.

⁶⁸ 52 U.S.C. §30121. For additional discussion, see CRS In Focus IF10697, *Foreign Money and U.S. Campaign Finance Policy*, by R. Sam Garrett; and CRS Legal Sidebar WSLG1857, *Foreign Money and U.S. Elections*, by L. Paige Whitaker.

⁶⁹ 18 U.S.C. §611. As enacted, see P.L. 104-208, §216; 110 Stat. 3009-572. Discussion of the distinction between “citizens” and “aliens” in federal law is beyond the scope of this report. See also CRS In Focus IF12742, *Federal Criminal Laws Prohibiting Unlawful Voting*, by Jimmy Balser.

⁷⁰ 18 U.S.C. §610.

⁷¹ See, for example, 18 U.S.C. §§592, 593, 596, 608.

- Federal tax law, housed in the Internal Revenue Code (IRC; Title 26 of the *U.S. Code*), has three major implications for campaign finance policy. First, the IRC contains statutory provisions that authorize the presidential public financing program.⁷² Second, the IRC establishes the limited circumstances under which political campaigns, parties, and political action committees are subject to taxation.⁷³ Third, the Internal Revenue Service has interpreted the IRC to require that politically active tax-exempt social welfare groups, labor unions, and trade associations not primarily be engaged in campaign intervention.⁷⁴
- Most regulation of political advertising appears in campaign finance law.⁷⁵ Some provisions also appear in telecommunications statutes.⁷⁶ In particular, the “lowest unit charge” (sometimes also called the “lowest unit rate”) provision in telecommunications law permits candidates to purchase preemptible broadcast advertising at the most favorable rates provided to commercial advertisers for the same class of time (e.g., length and time of day).⁷⁷ Telecommunications law also requires broadcasters to maintain a “political file” (sometimes also called the “public file”) of candidate requests for advertising purchases.⁷⁸ Telephone Consumer Protection Act (TCPA) provisions affecting automated telephone calls (“robocalls”) can affect certain communications regarding federal campaigns or elections.⁷⁹
- Homeland security and cybersecurity statutes provide authority for some of the Department of Homeland Security’s, the Intelligence Community’s, and federal law enforcement agencies’ involvement in elections, but do not directly address campaigns or elections.⁸⁰ The 2017 critical infrastructure designation discussed in the “Department of Homeland Security” section of this report and in other CRS products established elections roles for the agency.⁸¹

⁷² See 26 U.S.C. §§9001-9042.

⁷³ 26 U.S.C. §527.

⁷⁴ 26 U.S.C. §§501(c)4-501(c)(6); and Treas. Reg. §1.501(c)(4)-1. For additional discussion, see CRS Report RL33377, *Tax-Exempt Organizations Under Internal Revenue Code Section 501(c): Political Activity Restrictions*, by Justin C. Chung.

⁷⁵ This includes disclaimers, which announce purchaser (e.g., candidate) responsibility for an advertisement, and disclosures, which refer to public reporting of financial transactions to purchase advertising. Some provisions also appear in telecommunications law. See 47 U.S.C. §§315, 317.

⁷⁶ For additional discussion, see, for example, CRS Report R46516, *Identifying TV Political and Issue Ad Sponsors in the Digital Age*, by Dana A. Scherer.

⁷⁷ 47 U.S.C. §315(b).

⁷⁸ 47 U.S.C. §315(e).

⁷⁹ For additional discussion, see, for example CRS Report R46311, *Federal Communications Commission: Progress Protecting Consumers from Illegal Robocalls*, by Patricia Moloney Figliola; and Federal Communications Commission, “Political Campaign Robocalls and Robotext Rules,” updated March 5, 2025, <https://www.fcc.gov/rules-political-campaign-calls-and-texts>. On automated calls generally, see 47 U.S.C. §227. As enacted, the TCPA is P.L. 102-243.

⁸⁰ See, for example, CRS In Focus IF10677, *The Designation of Election Systems as Critical Infrastructure*, by Brian E. Humphreys and CRS In Focus IF11445, *The Election Infrastructure Subsector: Development and Challenges*, by Brian E. Humphreys and Karen L. Shanton.; and CRS In Focus IF10683, *DHS’s Cybersecurity Mission—An Overview*, by Chris Jaikaran.

⁸¹ See, for example, CRS In Focus IF10677, *The Designation of Election Systems as Critical Infrastructure*, by Brian E. Humphreys and CRS In Focus IF11445, *The Election Infrastructure Subsector: Development and Challenges*, by Brian E. Humphreys and Karen L. Shanton. On critical infrastructure generally, see 42 U.S.C. §5295(c). On cybersecurity generally, see 6 U.S.C. §§1501-1533.

- In the FY2020 National Defense Authorization Act (NDAA), Congress added to Title 50 of the *U.S. Code* reporting and notification requirements concerning attempted foreign interference in U.S. elections, and preelection reporting concerning counterintelligence and cybersecurity threats to U.S. campaigns.⁸²
- In the FY2026 NDAA, Congress amended Title 50 to require the Director of the Federal Bureau of Investigation (FBI) to provide notice to Congress, with certain exceptions, of “each counterintelligence assessment or investigation” of candidates for federal office or federal officeholders.⁸³

Additional provisions appear in **Appendix A** at the end of this report.

Federal Government Roles

Congress

As discussed below, Congress affects elections—and vice versa—in several respects. In addition to Members being candidates themselves, Representatives and Senators

- legislate in and oversee policy areas ranging from those that are central to campaigns and elections, such as campaign finance or voting rights, to those that affect campaigns and elections in some cases, such as cybersecurity;
- appropriate federal funds to support election administration; and
- execute constitutional duties related to elections, including counting electoral college ballots in presidential elections, and considering contested elections.

Members of congressional leadership also influence, formally or informally, appointments to the Election Assistance Commission, Federal Election Commission, and other agencies involved in campaigns and elections. The Senate provides advice and consent as required by statute or the Constitution.⁸⁴

Table 2 provides a brief overview of these and other duties.

⁸² 50 U.S.C. §3371. Some of those requirements are similar to language that also appears in executive orders noted elsewhere in this report.

⁸³ 50 U.S.C. §3091.

⁸⁴ On advice and consent positions generally, see, for example, CRS Report R44083, *Appointment and Confirmation of Executive Branch Leadership: An Overview*, by Henry B. Hogue and Maeve P. Carey.

Table 2. Major Congressional Roles in U.S. Campaigns and Elections, In Brief

| Role | Primary Committee or Entity | Notes |
|--|--|---|
| Appropriating funds | • House and Senate Appropriations Committees | — |
| Overseeing federal elections | • House Administration Committee • Senate Rules and Administration Committee | Other committees have jurisdiction over specific policy areas. See also Table 3 and discussion of Election Assistance Commission, Federal Election Commission, and other agency oversight. |
| Administering chamber rules regarding campaigns and elections | • House Administration Committee • Senate Rules and Administration Committee • House Ethics Committee • Senate Ethics Committee | See also table notes below. |
| Compiling certified congressional election results | • Clerk of the House • Secretary of the Senate | See also <i>Resolving contested congressional elections</i> below. |
| Counting electoral college results | • House and Senate in joint session | Refers to presidential elections |
| Resolving contested congressional elections | • House or Senate | Each chamber has authority over its own contests. |
| Resolving contested presidential elections | • House | Refers to “contingent” elections in which no candidate receives a majority of electoral votes |
| Resolving contested vice presidential elections | • Senate | Refers to “contingent” elections in which no candidate receives a majority of electoral votes |

Source: CRS.

Notes: The table excludes legislative branch support agencies, such as CRS and the Government Accountability Office, which may support congressional consideration of campaigns and elections policy. The text of this report discusses authorities (e.g., chamber rules or laws) for these roles. In the House, the Office of Congressional Conduct (formerly the Office of Congressional Ethics) may make referrals to the Ethics Committee. Also in the House, the Communications Standards Commission (formerly the Franking Commission) administers some communications rules.

Congressional Committees Primarily Responsible for Overseeing Federal Campaigns and Elections

At least 22 congressional committees potentially have roles in overseeing or appropriating funds for the federal role in U.S. campaigns and elections, as shown in **Table 3**.

- The Committee on House Administration and Senate Committee on Rules and Administration exercise primary jurisdiction over federal elections. They also are the primary oversight committees for the Election Assistance Commission (EAC) and the Federal Election Commission (FEC). Both committees also have jurisdiction over election contests within their respective chambers. They also provide guidance, along with the House and Senate Ethics Committees, on how chamber rules might affect Member and staff actions (e.g., franking) regarding campaigns and elections.

- In recent years, Congress has appropriated funds for the EAC and FEC through the Financial Services and General Government (FSGG) portions of omnibus appropriations laws.⁸⁵

Other policy matters related to campaigns, elections, or both sometimes arise in other committees' legislative, oversight, or appropriations work. **Table 3** contains a brief sample.

Table 3. Congressional Committees and Oversight of U.S. Campaigns and Elections, in Brief

| Chamber | Committee | Sample Policy and Oversight Areas |
|---------|---|--|
| House | Appropriations | Appropriating federal funds |
| House | Armed Services | Military absentee voting; cybersecurity |
| House | Energy and Commerce | Telecommunications related to political advertising |
| House | Ethics | Campaigns, elections, and certain chamber rules |
| House | Foreign Affairs | Foreign interference in U.S. elections |
| House | Homeland Security | Election security (including cybersecurity) |
| House | House Administration | Primary oversight of campaign finance and federal elections |
| House | Intelligence | Foreign interference in U.S. elections |
| House | Judiciary | Constitutional issues; voting rights; enforcement; presidential succession |
| House | Oversight and Government Reform | Governmental coordination (including cybersecurity); Census Bureau oversight |
| House | Science, Space, and Technology | Cybersecurity |
| House | Ways and Means | Taxation, financial disclosure for politically active organizations; presidential public financing |
| Senate | Appropriations | Appropriating federal funds |
| Senate | Armed Services | Military absentee voting; cybersecurity |
| Senate | Commerce, Science, and Transportation | Telecommunications related to political advertising |
| Senate | Ethics | Campaigns, elections, and certain chamber rules |
| Senate | Finance | Taxation, financial disclosure for politically active organizations; presidential public financing |
| Senate | Foreign Relations | Foreign interference in U.S. elections |
| Senate | Homeland Security and Governmental Affairs | Election security (including cybersecurity); Census Bureau oversight |
| Senate | Intelligence | Foreign interference in U.S. elections |
| Senate | Judiciary | Constitutional issues; voting rights; enforcement |
| Senate | Rules and Administration | Primary oversight of campaign finance and federal elections |

Source: CRS.

⁸⁵ For additional discussion, see CRS Report R45770, *The U.S. Election Assistance Commission (EAC): Overview and Selected Issues for Congress*, by Karen L. Shanton.

Notes: The table reflects committees' policy and oversight areas based on hearings, bill referrals, or other research conducted for this report. The table is not intended to indicate which committees would receive referral of specific legislation. Legislative jurisdiction is determined by House and Senate rules and past referral practices, with guidance from the parliamentarians.

Most Elements of Election Law Apply Uniformly to Both Chambers

Most federal election law applies to all federal elections. The same is generally true for campaign finance law regulating campaigns. There are, however, limited circumstances in which the House and Senate have established specific requirements for each chamber. For example, air-travel provisions of the Honest Leadership and Open Government Act (HLOGA, which amended FECA) apply differently to the House and Senate.⁸⁶ The two chambers typically defer to one another on issues only affecting the House or Senate.

Chamber Rules and Campaigns and Elections

House and Senate rules govern some Member and staff conduct during federal campaigns and elections. Examples include prohibitions on campaign activity in congressional offices and preelection "blackout" periods for certain franked communications. The Committee on House Administration and the Senate Rules and Administration Committee, and the House⁸⁷ and Senate Ethics Committees, provide guidance on how chamber rules might affect Member and staff activity.⁸⁸

Federal Agencies

This section briefly summarizes federal agencies that are substantially involved in regulating or supporting U.S. campaigns or federal elections. This report does not attempt to provide a detailed discussion of these roles, nor does it address issues beyond these agencies' elections responsibilities. Other agencies not addressed here might be relevant in specific circumstances.⁸⁹ The discussion is divided into two sections: those agencies whose primary duties concern campaigns or elections; and those that primarily serve other policy areas, but that also have secondary elections duties.

Table 4 provides a brief overview; more detailed discussion follows the table.

⁸⁶ 52 U.S.C. §30114(c). As enacted, HLOGA is P.L. 110-81. On a provision that required separate filing of Senate campaign finance reports until FY2019, see archived CRS Insight IN10970, *Electronic Filing of Senate Campaign Finance Reports*, by R. Sam Garrett.

⁸⁷ In the House, the Office of Congressional Conduct (OCC; formerly the Office of Congressional Ethics (OCE)) may refer matters to the House Ethics Committee. There is no commensurate agency to OCC in the Senate. For additional discussion, see CRS Report R40760, *House Office of Congressional Conduct: History, Authority, and Procedures*, by Jacob R. Straus.

⁸⁸ For additional discussion, see, for example, CRS Report RL30764, *Enforcement of Congressional Rules of Conduct: A Historical Overview*, by Jacob R. Straus.

⁸⁹ For example, some National Science Foundation (NSF) funding has supported election-related research, but the agency does not play a specific role in supporting or regulating campaigns or elections as do other agencies discussed in this report. Similarly, the report does not address regulatory review conducted by the Office of Management and Budget (OMB) or the Office of Information and Regulatory Affairs (OIRA). On the rulemaking process generally, see, for example, CRS Report RL32240, *The Federal Rulemaking Process: An Overview*, coordinated by Maeve P. Carey. For additional discussion of OIRA, see CRS Report R48546, *The Office of Information and Regulatory Affairs (OIRA): Overview and Major Responsibilities*, coordinated by Meghan M. Stuessy and Taylor N. Riccard.

Table 4. Major Federal Agency Roles in U.S. Campaigns and Elections, In Brief

| Department or Agency | Role Highlights | Notes |
|--|---|---|
| Department of Commerce | Provides Census Bureau data supporting apportionment and redistricting; National Institute of Standards and Technology (NIST) advises Election Assistance Commission (EAC) on technical and scientific matters | — |
| Department of Defense | Federal Voting Assistance Program administers Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); cybersecurity and intelligence in some cases; FVAP Director included in EAC Board of Advisors | Individual military services and civilian agencies participate in administering UOCAVA for their covered employees or dependents. As of this writing, the Department of Defense is using a secondary Department of War designation, under Executive Order 14347 dated September 5, 2025. |
| Department of Health and Human Services | Administers Help America Vote Act (HAVA) funding related to polling-place access and “protection and advocacy” systems | — |
| Department of Homeland Security | Assists states on cybersecurity and related matters; Sector-Specific Agency for 2017 Elections Infrastructure Subsector Critical Infrastructure designation; Secret Service protects major presidential candidates | The Cybersecurity and Infrastructure Security Agency (CISA) exercises many DHS elections-support functions. Some Federal Emergency Management Agency (FEMA) grant programs have required allocations for election security. As of this writing, some elections roles appear to be in flux. |
| Department of Justice | Enforces criminal law and civil aspects of some elections statutes; DOJ included in EAC Board of Advisors; FBI investigates election crimes and participates in Intelligence Community; FBI participates in assessments and advisories related to foreign interference in campaigns and elections | As of this writing, some elections roles appear to be in flux. |
| Department of Labor | Administers union disclosure requirements regarding certain political activity | See also <i>Federal Election Commission</i> . |
| Department of State | Supports overseas citizen UOCAVA administration | — |
| Department of Transportation | Participates in UOCAVA administration for merchant mariners; collects certain information regarding air-carrier extensions of credit to political candidates | — |
| Department of the Treasury | Internal Revenue Service (IRS) administers Internal Revenue Code (IRC; tax law) regulating political activity of certain tax-exempt organizations | — |
| Election Assistance Commission | Sole federal agency devoted to assisting states with election administration; administers HAVA funds and facilitates research and information-sharing with states; develops Voluntary Voting System Guidelines (VVSG) | — |

| Department or Agency | Role Highlights | Notes |
|--|--|--|
| Federal Communications Commission | Administers and enforces civil aspects of telecommunications law regarding political advertising and candidate access | See also <i>Federal Election Commission</i> . |
| Federal Election Commission | Sole federal agency devoted to campaign finance; administers and enforces civil campaign finance law | — |
| Intelligence Community | Assesses foreign efforts to influence U.S. campaigns and elections | Includes multiple federal agencies, some of which are not reflected in the table. See also <i>Office of the Director of National Intelligence</i> . As of this writing, some elections roles appear to be in flux. |
| National Archives and Records Administration | Administers communication with states for electoral college | — |
| Office of the Director of National Intelligence | Issues assessments of foreign interference in U.S. elections and advisories for campaigns regarding foreign influence and cybersecurity | Includes consultations with other agencies, some of which are not reflected in the table. As of this writing, some elections roles appear to be in flux. |
| Office of Government Ethics | Administers presidential- and vice-presidential candidate personal financial disclosure, in conjunction with the FEC | Other federal ethics requirements, which are beyond the scope of this report, also could have implications for campaign or political activity by federal officials. |
| Office of Personnel Management | VRA permits OPM to deploy federal election observers in specific cases; involves consultation with DOJ | VRA role limited by 2013 <i>Shelby County</i> Supreme Court ruling, as determined by DOJ. |
| U.S. Access Board | Access Board personnel included in EAC Board of Advisors and Technical Guidelines Development Committee | The Access Board coordinates information regarding disability access. Board members include representatives from multiple federal departments, some of which are not reflected in the table. |
| U.S. Commission on Civil Rights | Conducts research on voting and political participation | — |
| U.S. Postal Service | Transmits election mail and political mail; U.S. Postal Inspection Service (USPIS) conducts law-enforcement duties related to election mail, as might other federal law-enforcement agencies | — |

Source: CRS analysis as discussed in the report text.

Notes: The table primarily reflects roles specified in statute. The table does not address congressional or judicial roles. See additional details in report text.

Agencies with Primary Roles in Federal Campaigns and Elections

Election Assistance Commission

Congress established the Election Assistance Commission (EAC) in 2002, when it enacted the Help America Vote Act (HAVA). The EAC is the sole federal agency devoted to election administration.⁹⁰ Major EAC functions include the following:

- The agency coordinates best-practice information with states and provides voluntary certification of election equipment.⁹¹
- Congress tasked the EAC⁹² with distributing HAVA federal funding.⁹³
- EAC commissioners serve on the Election Infrastructure Subsector Government Coordinating Council (EIS GCC). The EIS GCC coordinates information-sharing with other federal agencies; with state, territorial, and local election administrators; and with other subsectors.⁹⁴ Additional information appears in the “Department of Homeland Security” section of this report.
- HAVA generally prohibits the EAC from engaging in rulemaking.⁹⁵

⁹⁰ For additional discussion, see CRS Report R45770, *The U.S. Election Assistance Commission (EAC): Overview and Selected Issues for Congress*, by Karen L. Shanton; and CRS In Focus IF10981, *The U.S. Election Assistance Commission (EAC): An Overview*, by Karen L. Shanton.

⁹¹ The General Services Administration (GSA) administered the vote.gov website (and a predecessor with a different URL) beginning in October 2015. See U.S. General Services Administration, “USA.Gov Launches vote.USA.gov to Help Citizens Register to Vote,” blog post, October 2, 2015, <https://blog.usa.gov/usa-gov-launches-vote-usa-gov-to-help-citizens-register-to-vote>. The EAC 2024 *Annual Report* explains that “The [GSA and the EAC] laid the groundwork to transition the management of vote.gov to the EAC, which will continue in 2025.” See U.S. Election Assistance Commission, *2024 Annual Report*, https://www.eac.gov/sites/default/files/2025-01/EAC_2024_Annual_Report_FINAL_508c.pdf, p. 10.

⁹² Section 101 of the act assigned the General Services Administration (GSA) with disbursing payments to states until the EAC was operational. See 52 U.S.C. §20901(a).

⁹³ For additional discussion of federal funding for election administration, see CRS In Focus IF11286, *Election Security: Federal Funding for Securing Election Systems*, by Karen L. Shanton; and CRS In Focus IF11961, *Elections Grant Programs: Authorizations and Appropriations*, by Karen L. Shanton.

⁹⁴ For additional information on EIS-GCC membership and roles, see, for example, Election Infrastructure Subsector, Government Coordinating Council, *Charter*, August 30, 2023, https://www.cisa.gov/sites/default/files/2023-11/GF-EIS-GCC-Charter-2023_1.pdf.

⁹⁵ See 52 U.S.C. §20929. The EAC has authority to issue a federal voter registration form, in consultation with states. See 52 U.S.C. §20508.

Federal Election Commission

The Federal Election Commission (FEC) is the only federal agency with a significant regulatory role affecting political campaigns.⁹⁶ Among other duties, the FEC

- enforces civil aspects of federal campaign finance law;
- administers disclosure of federal campaign finance reports;⁹⁷
- administers the presidential public financing program for candidates who choose to participate; and
- provides compliance guidance to regulated entities (e.g., candidates) and the public.

Agencies with Secondary Roles in Federal Campaigns and Elections

Department of Commerce

- Decennial census data produced by the Department of Commerce's (DOC's) Census Bureau are the basis for congressional apportionment and redistricting.⁹⁸
- The Census Bureau conducts post-election surveys about voter registration and participation as required by the Voting Rights Act.⁹⁹
- DOC's National Institute of Standards and Technology (NIST) provides technical assistance to other agencies involved in elections. In particular, this includes advising on the EAC's Voluntary Voting System Guidelines (VVSG) and consulting with the Defense Department's Federal Voting Assistance Program regarding topics such as cybersecurity and electronic ballot transmission. (As of this writing, the Department of Defense is using a secondary Department of War designation, under Executive Order 14347 dated September 5, 2025.¹⁰⁰)

⁹⁶ For additional discussion, see, for example, CRS Report R45160, *Federal Election Commission: Membership and Policymaking Quorum, In Brief*, by R. Sam Garrett. On the FEC-DOJ relationship on enforcement matters, see Federal Election Commission, "Memorandum of Understanding Regarding the Enforcement of Federal Campaign Finance Laws," 88 *Federal Register* 24986-24989, April 25, 2023. For analyses that predate the 2023 MOU but that may contain relevant historical context or additional agency information, see U.S. Government Accountability Office, *Campaign Finance: Federal Framework, Agency Roles and Responsibilities, and Perspectives*, GAO-20-66R, February 3, 2020, <https://www.gao.gov/products/gao-20-66r>; and Office of Inspector General, Federal Election Commission, *Special Review of the Federal Election Commission (FEC) Standard Operating Procedures (SOP) related to non-Federal Election Campaign Act (FECA) law enforcement inquiries*, Special Review 22-03, February 8, 2023, <https://www.fec.gov/resources/cms-content/documents/OIG-SR-22-03-Final.pdf>.

⁹⁷ Presidential and vice-presidential candidates file annual personal financial disclosure reports (OGE Form 278 (or 278e)) with the FEC. The FEC then transmits the forms to the Office of Government Ethics for compliance review.

⁹⁸ 13 U.S.C. §141. For additional discussion, see, for example, CRS Insight IN12403, *Decennial Census and Apportionment: Frequently Asked Questions*, by Sarah J. Eckman, Taylor R. Knoedl, and Mainon A. Schwartz. See also CRS In Focus IF13082, *Mid-Decade Congressional Redistricting: Key Issues*, by Sarah J. Eckman and L. Paige Whitaker.

⁹⁹ On this provision, see 52 U.S.C. §10507.

¹⁰⁰ See Executive Order 14347, "Restoring the United States Department of War," 90 *Federal Register* 173, September 10, 2025.

- The NIST director chairs the EAC's Technical Guidelines Development Committee (TGDC), which assists the EAC with development of the VVSG, and provides other technical guidance to the commission.¹⁰¹
- Like other federal agencies with covered employees or dependents, DOC may provide outreach and compliance information to eligible UOCAVA voters. In particular, as noted elsewhere in this report, UOCAVA covers National Oceanographic and Atmospheric Administration (NOAA) commissioned officers. NOAA is an agency within DOC.

Department of Defense

- As of this writing, the Department of Defense is using a secondary Department of War designation, under Executive Order 14347 dated September 5, 2025.¹⁰²
- Federal law and American political culture generally limits military involvement in federal elections.¹⁰³
- The Defense Department's (DOD's) primary role in U.S. elections concerns facilitating ballot access for military servicemembers. DOD's Federal Voting Assistance Program (FVAP) administers UOCAVA.¹⁰⁴ As noted previously, UOCAVA is designed to ensure that members of the uniformed services and overseas civilians have timely access to federal ballots. Mail to military personnel can be handled by the U.S. Postal Service (USPS; discussed below) and by the DOD's Military Postal Service Agency (MPSA).¹⁰⁵
- The FVAP Director serves on the EAC's Board of Advisors.¹⁰⁶
- FVAP also works with other federal agencies to ensure compliance with the act's provisions covering specified uniformed-services members, federal civilian employees, and dependents.¹⁰⁷
- In some cases, DOD entities are involved in countering foreign threats to U.S. elections, such as through contributions to the Intelligence Community or other coordination with federal agencies (e.g., the State Department, as noted

¹⁰¹ See 52 U.S.C. §20961(c)(1) on the NIST director as TGDC chair. On the TGDC and its duties, see 52 U.S.C. §20961 generally. On advisory bodies established in HAVA, see, for example, CRS Report R46949, *The Help America Vote Act of 2002 (HAVA): Overview and Ongoing Role in Election Administration Policy*, by Karen L. Shanton. See also CRS Report R45770, *The U.S. Election Assistance Commission (EAC): Overview and Selected Issues for Congress*, by Karen L. Shanton.

¹⁰² See Executive Order 14347, “Restoring the United States Department of War,” 90 *Federal Register* 173, September 10, 2025.

¹⁰³ On “troops at the polls” prohibitions, see, for example, 18 U.S.C. §§592, 593, 596, 608. In limited circumstances, such as after Hurricane Andrew in 1992, the military has supported election administration after natural disasters. See, for example, CRS Report R46455, *COVID-19 and Other Election Emergencies: Frequently Asked Questions and Recent Policy Developments*, coordinated by R. Sam Garrett, p. 9.

¹⁰⁴ On voting assistance plans and resources, see Federal Voting Assistance Program, “Directives and Guidance for Voting Assistance Officers,” <https://www.fvap.gov/vao/directives>.

¹⁰⁵ In addition to UOCAVA provisions codified in Title 52 of the *U.S. Code* and cited elsewhere in this report, see 10 U.S.C. §1566 on Secretary of Defense responsibilities for ensuring that military services meet compliance and reporting obligations. On service-specific voting assistance plans and resources, see Federal Voting Assistance Program, “Directives and Guidance for Voting Assistance Officers,” <https://www.fvap.gov/vao/directives>.

¹⁰⁶ 52 U.S.C. §20944(14).

¹⁰⁷ See, for example, discussion of memoranda of understanding between FVAP and other agencies in Department of Defense, “Federal Voting Assistance Program (FVAP),” 86 *Federal Register* 70746-707748, December 13, 2021.

below).¹⁰⁸ Some National Guard units have assisted states with election cybersecurity.¹⁰⁹ Congress has authorized DOD to include elections cybersecurity vulnerabilities in exercises, in consultation with DHS and if states agree to participate.¹¹⁰

Department of Health and Human Services

Some of the HAVA funding discussed in the “Help America Vote Act” section above was designated for improving voting access for people with disabilities, and for “protection and advocacy” systems.¹¹¹ Congress assigned the Department of Health and Human Services (HHS) with administering those funds.¹¹² Separately, like other federal agencies with covered employees or dependents, HHS may provide outreach and compliance information to eligible UOCAVA voters. In particular, as noted elsewhere in this report, UOCAVA covers U.S. Public Health Service (USPHS) commissioned officers.¹¹³ HHS houses the USPHS.

Department of Homeland Security

The Department of Homeland Security’s (DHS’s) role in elections grew significantly after the 2016 election cycle.¹¹⁴ DHS’s most substantial involvement in elections stems from Secretary Jeh Johnson’s January 2017 decision to designate U.S. elections infrastructure as “critical infrastructure.”¹¹⁵

¹⁰⁸ Some U.S. efforts to counter foreign influence in U.S. elections might involve operations in the information environment (or “information operations”). These topics are beyond the scope of this report. For additional information, see, for example, CRS In Focus IF10771, *Defense Primer: Operations in the Information Environment*, by Catherine A. Theohary.

¹⁰⁹ For discussion of the DOD role in elections, particularly cybersecurity activities between the 2016 and 2022 election cycle, see U.S. Congress, Senate Armed Services Committee, Cybersecurity Subcommittee, *The Department of Defense’s Role in Protecting Democratic Elections*, 115th Cong., 2nd sess., February 13, 2018, S. Hrg. 115-862 (GPO, 2021); National Security Agency, “How NSA, U.S. Cyber Command are Defending Midterm Elections,” press release, August 25, 2022, <https://www.nsa.gov/Press-Room/News-Highlights/Article/Article/3136987/how-nsa-us-cyber-command-are-defending-midterm-elections-one-team-one-fight/>; and CRS congressional distribution memorandum, *Department of Defense Role in Election Security*, September 16, 2020, by Catherine A. Theohary.

¹¹⁰ See Section 1638 in the FY2018 National Defense Authorization Act (NDAA); P.L. 115-91.

¹¹¹ See 52 U.S.C. §21021 and 52 U.S.C. §21061, respectively. Protection and advocacy (P&A) systems are state-level entities charged with empowering and advocating for individuals with disabilities. The topic is otherwise beyond the scope of this report.

¹¹² For additional discussion, see CRS Report R46646, *Election Administration: Federal Grant Programs for States and Localities*, by Karen L. Shanton.

¹¹³ On voting assistance plans and resources, see Federal Voting Assistance Program, “Directives and Guidance for Voting Assistance Officers,” <https://www.fvap.gov/vao/directives>.

¹¹⁴ For general discussion of the DHS role in election security in 2020 and 2024, see, for example, Office of Inspector General, *DHS Improved Election Infrastructure Security, but Its Role in Countering Disinformation Has Been Reduced*, U.S. Department of Homeland Security, OIG-24-52, September 17, 2024, pp. 1-4, <https://www.oig.dhs.gov/sites/default/files/assets/2024-09/OIG-24-52-Sep24.pdf>. Separately, the Federal Emergency Management Agency (FEMA), a DHS agency, also often provides assistance to election jurisdictions affected by natural disasters, although these are not FEMA roles specifically related to elections. See, for example, CRS Report R46455, *COVID-19 and Other Election Emergencies: Frequently Asked Questions and Recent Policy Developments*, coordinated by R. Sam Garrett. See also, for example, Election Assistance Commission, “Disaster Recovery & Response,” October 25, 2024, <https://www.eac.gov/recovery>. For discussion of FEMA roles in disaster recovery generally, see, for example, CRS Report R41981, *Congressional Primer on Responding to and Recovering from Major Disasters and Emergencies*, by Elizabeth M. Webster and Bruce R. Lindsay.

¹¹⁵ For additional discussion, see CRS In Focus IF10677, *The Designation of Election Systems as Critical* (continued...)

- The critical-infrastructure designation applies to databases and information technology (IT) systems that support voter registration and election management, and to polling places and early voting locations.¹¹⁶ It does not directly affect political campaigns, parties, etc.¹¹⁷
- In general, the designation prioritizes DHS support for election jurisdictions. Such support can include information-sharing on threats; monitoring election systems; conducting vulnerability assessments; and assistance identifying or responding to threats (e.g., cyberattacks).¹¹⁸
- DHS serves as the “Sector-Specific Agency” (SSA) for the Elections Infrastructure Subsector (EIS) within the Government Facilities Sector. As SSA, DHS is empowered to coordinate information-sharing among various governmental and nongovernmental entities (e.g., vendors) responsible for election administration. In this role, DHS, through the Cybersecurity and Infrastructure Security Agency (CISA), also coordinates activities for the EIS Government Coordinating Council (GCC).¹¹⁹ The EIS GCC includes representatives from DHS, EAC, and state and local governments. DHS can also assist a Sector Coordinating Council (SCC), which consists of industry representatives (e.g., voting-machine manufacturers). The critical infrastructure designation does not give DHS regulatory authority over federal elections.
- DHS has, at least in the past, relied on an Election Task Force to coordinate information-sharing and other elections-support work across the federal government.¹²⁰
- The department can work with the other agencies, such as the State Department and Department of the Treasury, to administer sanctions responding to election interference, or to support administration of such sanctions.¹²¹

Infrastructure, by Brian E. Humphreys, and CRS In Focus IF11445, *The Election Infrastructure Subsector: Development and Challenges*, by Brian E. Humphreys and Karen L. Shanton.

¹¹⁶ Specifically, the designation refers to “election infrastructure” as “storage facilities, polling places, and centralized vote tabulations locations used to support the election process, and information and communications technology to include voter registration databases, voting machines, and other systems to manage the election process and report and display results on behalf of state and local governments.” See U.S. Department of Homeland Security, “Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector,” press release, January 6, 2017, <https://www.dhs.gov/archive/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>.

¹¹⁷ See Department of Homeland Security, “Election Security,” <https://www.dhs.gov/topic/election-security>.

¹¹⁸ For additional information on DHS’s cybersecurity role, see CRS In Focus IF10683, *DHS’s Cybersecurity Mission—An Overview*, by Chris Jaikaran.

¹¹⁹ On the CISA role in the critical infrastructure community generally, see CRS In Focus IF12061, *Critical Infrastructure Security and Resilience: Countering Russian and Other Nation-State Cyber Threats*, by Brian E. Humphreys.

¹²⁰ For historical discussion on the task force and coordination councils, see, for example, U.S. Department of Homeland Security, *Statement for the Record*, U.S. Senate Committee on Intelligence, hearing, “Election Security,” March 21, 2018, <https://www.intelligence.senate.gov/sites/default/files/documents/os-knielden-032118.pdf>.

¹²¹ A January 2017 executive order assigns the Secretary of State, Secretary of the Treasury, and Attorney General with identifying foreign actors responsible for election interference. See Executive Order 13757, “Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities,” 82 *Federal Register* 1-3, January 3, 2017. See also, for example, Executive Order 13848, “Imposing Certain Sanctions in the Events of Foreign Interference in a United States Election,” 83 *Federal Register* 46843-46848, September 14, 2018, which includes discussion of various agency roles for the Departments of Defense, Homeland Security, Justice, State, (continued...)

- As noted in the “Intelligence Community” section of this report, federal law requires the Office of the Director of National Intelligence, in consultation with the DHS Under Secretary for Intelligence and Analysis, and the FBI Director, to produce a publicly available “advisory report” on counterintelligence and cybersecurity threats to U.S. campaigns.¹²²
- Through the U.S. Secret Service (USSS), DHS protects major presidential candidates.¹²³ The Secret Service is also the lead security agency for “national special security events” (NSSEs), such as presidential inaugurations and presidential nominating conventions.¹²⁴
- Like other federal agencies with covered employees or dependents, DHS can provide outreach and compliance information to eligible UOCAVA voters. UOCAVA duties may be particularly noteworthy for DHS because the agency houses the U.S. Coast Guard (USCG), whose uniformed personnel the statute covers.¹²⁵

As of this writing, some of the department’s elections roles appear to be in flux. For example, in early 2025, much of CISA’s elections work conducted during the 2020 and 2024 election cycles reportedly was curtailed.¹²⁶ Some of those services were provided in the form of DHS funding that previously supported the Center for Internet Security’s (CIS’s) Multi-State Information Sharing and Analysis Center (MS-ISAC) and the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC).¹²⁷

and Treasury, and the ODNI, that could inform imposing sanctions. The federal role in administering sanctions, including those related to election interference, is otherwise beyond the scope of this report.

¹²² 50 U.S.C. §3371(a).

¹²³ For additional discussion, see, for example CRS Report R48138, *Legislative Evolution of U.S. Secret Service*, by Shawn Reese; CRS In Focus IF11732, *U.S. Secret Service: Threats to and Assaults on Sitting Presidents and Vice Presidents*, by Shawn Reese; and CRS Report R47731, *Who Protects Whom? Federal Official and Judicial Security and Personal Protective Details*, by Shawn Reese. On use of campaign funds for security purposes, see CRS Insight IN12581, *Campaign Finance Policy and Campaign Security*, by R. Sam Garrett. On violence against Members of Congress more generally, see CRS Report R41609, *Violence Against Members of Congress and Their Staff: Selected Examples and Congressional Responses*, by R. Eric Petersen and Jennifer E. Manning.

¹²⁴ See CRS Report R47439, *Special Event Security and National Special Security Events: A Summary and Issues for Congressional Consideration*, by Shawn Reese.

¹²⁵ On service-specific voting assistance plans and resources, see Federal Voting Assistance Program, “Directives and Guidance for Voting Assistance Officers,” <https://www.fvap.gov/vao/directives>. See also Department of Defense, “Federal Voting Assistance Program (FVAP),” 86 *Federal Register* 70746-707748, December 13, 2021.

¹²⁶ See, for example, Brenna Nelson, “As Federal Support for Elections Evolves, States Adapt to Close Emerging Gaps,” National Conference of State Legislatures, July 31, 2025, <https://www.ncsl.org/state-legislatures-news/details/as-federal-support-for-elections-evolves-states-adapt-to-close-emerging-gaps>; Jen Fifield, “U.S. Agency Has Stopped Supporting States on Election Security, Official Confirms,” *Votebeat*, March 11, 2025, <https://www.votebeat.org/2025/03/11/cisa-ends-support-election-security-nass-nased/>; and Christina A. Cassidy, “US Cyber Agency Puts Election Security Staffers Who Worked With The States on Leave,” Associated Press, updated February 10, 2025, <https://apnews.com/article/election-security-cisa-kristi-noem-cybersecurity-5bac8ce416c46b4fbe44c94ae5874b39>.

¹²⁷ For additional discussion, see, for example, Colin Wood, “CISA Says It’s Not Abandoning the States. Cyber Officials Aren’t So Sure,” *Statescoop*, August 11, 2025, <https://statescoop.com/cisa-state-local-cyber-ms-isac-2025/>.

Department of Justice

The Justice Department (DOJ) investigates¹²⁸ and enforces aspects of federal law, including those concerning election crimes. Among other roles in federal elections, DOJ is responsible for the following:

- DOJ investigates and enforces various aspects of election law, such as campaign finance¹²⁹ criminal provisions, alleged vote fraud or intimidation, and civil aspects of HAVA, UOCAVA, and the VRA.
- HAVA requires that DOJ representatives be among the EAC's Board of Advisors.¹³⁰
- The department may work with the other agencies, such as the State Department and Department of the Treasury, to administer sanctions responding to election interference, or to support administration of such sanctions.¹³¹
- DOJ, the FBI, or both participate in assessments of foreign interference in U.S. elections and advisories for campaigns regarding foreign influence and cybersecurity, coordinated by the ODNI.¹³²
- The FBI, an agency within DOJ, may investigate alleged violations of campaign finance or elections laws, and other federal statutes.
- As of this writing, it appears that some of the executive branch activities aimed at combatting foreign interference during the 2020 and 2024 election cycles have been curtailed or eliminated.¹³³ For example, in February 2025, Attorney General

¹²⁸ Whether on civil or criminal election matters, various federal agencies could collaborate on enforcement actions or investigations. For example, on reported 2025 information-sharing between DOJ and DHS, see Sarah N. Lynch, "US Justice Dept Considers Handing Over Voter Roll Data for Criminal Probes, Documents Show," Reuters, September 9, 2025, <https://www.reuters.com/legal/government/us-justice-dept-considers-handing-over-voter-roll-data-criminal-probes-documents-2025-09-09/>.

¹²⁹ On the FEC-DOJ relationship on campaign finance enforcement matters, see Federal Election Commission, "Memorandum of Understanding Regarding the Enforcement of Federal Campaign Finance Laws," 88 *Federal Register* 24986-24989, April 25, 2023. For analyses that predate the 2023 MOU but that may contain relevant historical context or additional agency information, see U.S. Government Accountability Office, *Campaign Finance: Federal Framework, Agency Roles and Responsibilities, and Perspectives*, GAO-20-66R, February 3, 2020, <https://www.gao.gov/products/gao-20-66r>; and Office of Inspector General, Federal Election Commission, *Special Review of the Federal Election Commission (FEC) Standard Operating Procedures (SOP) related to non-Federal Election Campaign Act (FECA) law enforcement inquiries*, Special Review 22-03, February 8, 2023, <https://www.fec.gov/resources/cms-content/documents/OIG-SR-22-03-Final.pdf>.

¹³⁰ 52 U.S.C. §§20944(12)-20944(13).

¹³¹ A January 2017 executive order assigns the Secretary of State, Secretary of the Treasury, and Attorney General with identifying foreign actors responsible for election interference. See Executive Order 13757, "Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities," 82 *Federal Register* 1-3, January 3, 2017. See also, for example, Executive Order 13848, "Imposing Certain Sanctions in the Events of Foreign Interference in a United States Election," 83 *Federal Register* 46843-46848, September 14, 2018, which includes discussion of various agency roles for the Departments of Defense, Homeland Security, Justice, State, and Treasury, and the ODNI, that could inform imposing sanctions. The federal role in administering sanctions, including those related to election interference, is otherwise beyond the scope of this report. Public diplomacy roles, such as providing education about U.S. elections to foreign journalists, also are beyond the scope of this report.

¹³² 50 U.S.C. §3771.

¹³³ See, for example, A.J. Vicens, "US Homeland Security Says Election Security Personnel Placed on Leave," Reuters, February 11, 2025, <https://www.reuters.com/world/us/us-homeland-security-says-election-security-personnel-placed-leave-2025-02-12/>; and Christina A. Cassidy, "US Cyber Agency Puts Election Security Staffers Who Worked With the States on Leave," Associated Press, updated February 10, 2025, [https://apnews.com/article/election-security-cisa-\(continued...\)](https://apnews.com/article/election-security-cisa-(continued...))

Bondi announced that the FBI's Foreign Influence Task Force was being disbanded.¹³⁴ The task force previously served to coordinate bureau activities to identify and counter foreign interference.¹³⁵

Department of Labor

Annual financial reports filed with the Labor Department (DOL) include certain union “political activities.” These can include funds spent to support or oppose candidates among union members and their families.¹³⁶ Similar information must be reported separately to the FEC. DOL also provides Consumer Price Index (CPI) information to the FEC, which the latter agency uses to issue updated contribution limits specified in FECA.¹³⁷

Department of State

- The State Department supports overseas civilian access to absentee voting through UOCAVA. In addition, many of the State Department's employees and dependents are covered by the statute. As noted previously, FVAP (DOD) administers UOCAVA.¹³⁸
- Legislative authority for the department's Global Engagement Center (GEC) expired on December 31, 2024. The GEC was charged with coordinating government efforts to counter foreign propaganda and disinformation efforts aimed at undermining U.S. national security interests. GEC partnered with other U.S. government agencies, including those within the State Department, at the Defense Department, and elsewhere.¹³⁹
- Under various executive orders, the State Department may work with other agencies, such as the Department of the Treasury, to administer sanctions

¹³⁴ Kristi Noem, Memorandum from the Attorney General (Bondi) for all departmental employees, “General Policy Regarding Charging, Plea Negotiations, and Sentencing,” February 5, 2025, <https://www.justice.gov/ag/media/1388541/dl>.

¹³⁵ See, for example, Derek B. Johnson, “DOJ Disbands Foreign Influence Task Force, Limits Scope of FARA Prosecutions,” *Cyberscoop*, February 6, 2025, <https://cyberscoop.com/doj-disbands-foreign-influence-task-force/>.

¹³⁶ In particular, these include reports filed on Labor Department form LM-2. For additional discussion, see, for example, U.S. Department of Labor, “Labor Organization Annual Financial Reports,” 68 *Federal Register* 58374, October 9, 2003, pp. 58397-58398. Political activity reporting appears to originate in statutory requirements for financial reports containing various information (which is beyond the scope of this report). See 29 U.S.C. §431.

¹³⁷ 52 U.S.C. §30116(c).

¹³⁸ On voting assistance plans and resources, see Federal Voting Assistance Program, *Directives and Guidance for Voting Assistance Officers*, <https://www.fvap.gov/vao/directives>.

¹³⁹ For additional discussion, see CRS Insight IN12475, *Termination of the State Department's Global Engagement Center*, by Matthew C. Weed. CRS Insight IN10744, *Global Engagement Center: Background and Issues*, by Matthew C. Weed. See also U.S. Department of State, “Protecting and Championing Free Speech at the State Department,” press release, April 16, 2025, <https://www.state.gov/protecting-and-championing-free-speech-at-the-state-department>. Before its closure, the GEC was included in the State Department's Foreign Malign Influence Center. See the “Intelligence Community” section of this report and the CRS products cited therein for additional information.

responding to election interference, or to support administration of such sanctions.¹⁴⁰

Department of Transportation

- UOCAVA duties may be particularly noteworthy for the Department of Transportation (DOT) because the agency houses the U.S. Maritime Administration (MARAD). As noted previously, merchant mariners are covered under UOCAVA protections extended to uniformed services and overseas voters.¹⁴¹
- The DOT, Bureau of Transportation Statistics, collects information from air carriers regarding extensions of credit to federal political candidates.¹⁴²

Department of the Treasury

- The Department of the Treasury houses the Internal Revenue Service (IRS), which collects taxpayer designations for the Presidential Election Campaign Fund (PECF). The PECF provides public financing for presidential candidates who choose to receive funds under certain conditions.¹⁴³ The FEC administers candidate participation in the program.
- Department of the Treasury agencies might also be involved in investigations of prohibited foreign influence in U.S. elections, such as through the Financial Crimes Reporting Network (FinCEN).¹⁴⁴

¹⁴⁰ A January 2017 executive order assigns the Secretary of State, Secretary of the Treasury, and Attorney General with identifying foreign actors responsible for election interference. See Executive Order 13757, “Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities,” 82 *Federal Register* 1-3, January 3, 2017. See also, for example, Executive Order 13848, “Imposing Certain Sanctions in the Events of Foreign Interference in a United States Election,” 83 *Federal Register* 46843-46848, September 14, 2018, which includes discussion of various agency roles that could inform imposing sanctions. The federal role in administering sanctions, including those related to election interference, is otherwise beyond the scope of this report. For additional discussion of sanctions, see, for example, CRS In Focus IF12063, *Enforcement of Economic Sanctions: An Overview*, by Jennifer K. Elsea; and CRS Report R48052, *U.S. Sanctions on Russia: Legal Authorities and Related Actions*, by Cory Welt.

¹⁴¹ A memorandum of understanding between FVAP and MARAD addresses the relationship between the two agencies. See Department of Defense, “Federal Voting Assistance Program (FVAP),” 86 *Federal Register* 70746-707748, December 13, 2021. See also 32 C.F.R. §233.1. MARAD also provides brief UOCAVA information on its website, <https://www.maritime.dot.gov/outreach/mariners>. On voting assistance plans and resources, see Federal Voting Assistance Program, “Directives and Guidance for Voting Assistance Officers,” <https://www.fvap.gov/vao/directives>.

¹⁴² 14 C.F.R. §374a. In March 2024, DOT invited public comments on the “continuing need and usefulness” of the reporting requirement. See U.S. Department of Transportation, Bureau of Transportation Statistics, “Agency Information Collection; Activity Under OMB Review; Report of Extension of Credit to Political Candidates—Form 183,” 89 *Federal Register* 19638, March 19, 2024.

¹⁴³ For additional discussion, see, for example, CRS Report R41604, *Proposals to Eliminate Public Financing of Presidential Campaigns*, by R. Sam Garrett.

¹⁴⁴ For discussion of FINCEN generally, see, for example CRS Report R47255, *The Financial Crimes Enforcement Network (FinCEN): Anti-Money Laundering Act of 2020 Implementation and Beyond*, by Liana W. Rosen and Rena S. Miller.

- Under various executive orders, the department may work with other agencies, such as the State Department, to administer sanctions responding to election interference, or to support administration of such sanctions.¹⁴⁵

Federal Communications Commission

As noted elsewhere in this report, political advertising regulation rests in campaign finance law administered by the Federal Election Commission, and criminally enforced by the Justice Department. The Federal Communications Commission (FCC)¹⁴⁶ administers aspects of telecommunications law that permit candidates to purchase preemptible broadcast advertising and that require broadcasters to maintain publicly available files of requests for advertising purchases.¹⁴⁷ The FCC also administers Telephone Consumer Protection Act (TCPA) provisions affecting automated telephone calls (“robocalls”) that can affect certain communications regarding federal campaigns or elections.¹⁴⁸

Intelligence Community

Congress has assigned the Director of National Intelligence (DNI) with statutory responsibilities for assessing foreign interference in U.S. elections, as discussed below.¹⁴⁹ The DNI provides

¹⁴⁵ A January 2017 executive order assigns the Secretary of State, Secretary of the Treasury, and Attorney General with identifying foreign actors responsible for election interference. See Executive Order 13757, “Taking Additional Steps to Address the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities,” 82 *Federal Register* 1-3, January 3, 2017. See also, for example, Executive Order 13848, “Imposing Certain Sanctions in the Events of Foreign Interference in a United States Election,” 83 *Federal Register* 46843-46848, September 14, 2018, which includes discussion of various agency roles that could inform imposing sanctions. The federal role in administering sanctions, including those related to election interference, is otherwise beyond the scope of this report. For additional discussion of sanctions, see, for example, CRS In Focus IF12063, *Enforcement of Economic Sanctions: An Overview*, by Jennifer K. Elsea; and CRS Report R48052, *U.S. Sanctions on Russia: Legal Authorities and Related Actions*, by Cory Welt.

¹⁴⁶ On the FCC generally, see, for example, CRS Report R45699, *The Federal Communications Commission: Structure, Operations, and Budget*, by Patricia Moloney Figliola.

¹⁴⁷ 47 U.S.C. §§315; 317. See also, for example, CRS Report R46516, *Identifying TV Political and Issue Ad Sponsors in the Digital Age*, by Dana A. Scherer.

¹⁴⁸ For additional discussion, see, for example CRS Report R46311, *Federal Communications Commission: Progress Protecting Consumers from Illegal Robocalls*, by Patricia Moloney Figliola; and Federal Communications Commission, “Political Campaign Robocalls and Robotext Rules,” updated March 5, 2025, <https://www.fcc.gov/rules-political-campaign-calls-and-texts>. On automated calls generally, see 47 U.S.C. §227. As enacted, the TCPA is P.L. 102-243.

¹⁴⁹ Reports of foreign interference in the 2016 election cycle increased federal attention to intelligence and security concerns that were not previously a major part of American campaigns or election administration. On January 6, 2017, the ODNI released a declassified version of an Intelligence Community Assessment (ICA) containing information and analysis from the Central Intelligence Agency (CIA), FBI, and National Security Agency (NSA) regarding their assessment of Russian attempts to influence 2016-cycle U.S. elections. That assessment generated substantial congressional oversight concerning election security. See, for example, U.S. Congress, Senate Intelligence (Select) Committee, *Russian Active Measures Campaigns and Interference in the 2016 U.S. Election*, report, volumes I-V, 116th Cong., 2nd sess., November 10, 2020, S.Rept. 116-290 (GPO, 2020). This CRS report does not otherwise address the specifics of this or other election-related ICAs.

oversight and direction of the Intelligence Community (IC), which includes several departments and agencies.¹⁵⁰ Other CRS products provide additional detail about the DNI and IC.¹⁵¹

Provisions codified in Title 50 of the *U.S. Code* require the DNI, in consultation with other agencies, to issue an assessment of “any information” indicating that a foreign government or someone acting on behalf of a foreign government “has acted with the intent or purpose of interfering in elections for Federal office” during the cycle.¹⁵² The ODNI is required to release a public version of the assessment “not later than 60 days after the end of a Federal election cycle.”¹⁵³

Federal law also requires the ODNI, in consultation with the DHS Under Secretary for Intelligence and Analysis, and the FBI Director, to produce a publicly available “advisory report” on counterintelligence and cybersecurity threats to U.S. campaigns. The report must be issued at least one year before a federal election and contain best practices for threat mitigation.¹⁵⁴

As of this writing, some policy aspects of U.S. efforts to monitor and counter foreign interference in U.S. elections appear to be in flux.¹⁵⁵ For example, in August 2025, the DNI announced her intention to reorganize the ODNI, including “refocusing functions within the Foreign Malign Influence Center” (FMIC).¹⁵⁶ As another CRS product explains, due partially to concerns surrounding foreign influence in U.S. elections, Congress established the FMIC, within the ODNI, in December 2019.¹⁵⁷ The FMIC housed the Election Threats Executive (ETE) position, which the ODNI previously characterized as “serv[ing] as the IC’s coordinating and integrating authority on all election security activities, initiatives, and programs.”¹⁵⁸

¹⁵⁰ As CRS has explained elsewhere, the Intelligence Community (IC) includes “18 elements” within the federal government. These include, for example, the Central Intelligence Agency, National Security Agency, and intelligence divisions within other departments and agencies. For additional detail, see CRS In Focus IF10525, *Defense Primer: National and Defense Intelligence*, by Michael E. DeVine and Heidi M. Peters; and CRS In Focus IF10527, *U.S. Intelligence Community Establishment Provisions*, by Michael E. DeVine.

¹⁵¹ See CRS In Focus IF10525, *Defense Primer: National and Defense Intelligence*, by Michael E. DeVine and Heidi M. Peters; and CRS In Focus IF10527, *U.S. Intelligence Community Establishment Provisions*, by Michael E. DeVine; and CRS In Focus IF10470, *The Director of National Intelligence (DNI)*, by Michael E. DeVine.

¹⁵² 50 U.S.C. §3371(c). The statutory language is similar to a requirement from a 2018 executive order. See Executive Order 13848, “Imposing Certain Sanctions in the Events of Foreign Interference in a United States Election,” 83 *Federal Register* 46843-46848, September 14, 2018.

¹⁵³ 50 U.S.C. §3371(c).

¹⁵⁴ 50 U.S.C. §3371(a).

¹⁵⁵ See also the “Department of Justice” and “Department of State” sections of this report.

¹⁵⁶ See, for example, Office of the Director of National Intelligence, “Fact Sheet: ODNI 2.0 Launch,” <https://www.dni.gov/files/ODNI/documents/ODNI-20-Fact-Sheet.pdf>; Rebecca Beitsch, “Gabbard to Slash Offices, Nearly Half of Staff at ODNI,” *The Hill*, August 20, 2025, <https://thehill.com/policy/national-security/5462554-gabbard-odni-staff-cuts/>; and Aamer Madhani et al., “Gabbard Slashing Intelligence Office Workforce and Cutting Budget by Over \$700 Million,” Associated Press, updated September 20, 2025, <https://apnews.com/article/gabbard-intelligence-cuts-trump-e982e5364481d41a058e2bd78be4060f>.

¹⁵⁷ As enacted, see P.L. 116-92, §5322; as codified, see 50 U.S.C. §3059. For additional discussion, see CRS In Focus IF12470, *The Intelligence Community’s Foreign Malign Influence Center*, by Michael E. DeVine; and CRS In Focus IF10470, *The Director of National Intelligence (DNI)*, by Michael E. DeVine.

¹⁵⁸ See Office of the Director of National Intelligence, National Counterterrorism Center, “Organization,” <https://www.dni.gov/index.php/nctc-who-we-are/organization/340-about/organization/foreign-malign-influence-center>. The DNI may terminate the FMIC in 2028, pending congressional notification. For additional discussion, see CRS In Focus IF12470, *The Intelligence Community’s Foreign Malign Influence Center*, by Michael E. DeVine. On FMIC establishment as enacted, see P.L. 116-92, §5322; as codified, see 50 U.S.C. §3059.

National Archives and Records Administration

The National Archives and Records Administration (NARA), Office of the Federal Register (OFR), administers communication with the states during the electoral college process.¹⁵⁹ NARA transmits state election certificates to Congress for counting electoral college results during a joint session to determine the presidential election.¹⁶⁰

Office of Government Ethics

Presidential and vice-presidential candidates file annual personal financial disclosure reports (OGE Form 278 (or 278e)) with the FEC. The FEC then transmits the forms to the Office of Government Ethics (OGE) for compliance review.¹⁶¹ OGE primarily issues regulations and provides advice and education to Designated Agency Ethics Officials (DAEOs) for the administration of financial disclosure requirements for government employees, a topic that is beyond the scope of this report.¹⁶²

Office of Personnel Management

The VRA authorizes the Office of Personnel Management (OPM) to deploy federal election observers where ordered by a federal court or directed by the U.S. Attorney General.¹⁶³ DOJ has determined that the 2013 *Shelby County* decision limits some of these provisions.¹⁶⁴

U.S. Access Board

The U.S. Access Board coordinates information to ensure equal access for people with disabilities to federally funded facilities and activities.¹⁶⁵ The board consists of representatives from 12 federal departments, and private individuals.¹⁶⁶ HAVA requires that Access Board members be appointed to the EAC's Board of Advisors and to the Technical Guidelines Development Committee.¹⁶⁷

¹⁵⁹ The Administrator of General Services and the Secretary of State previously exercised these duties. Congress transferred these duties to the Archivist (NARA) in 1984. As currently codified, see 3 U.S.C. §6. On the 1984 transfer as enacted, see P.L. 98-497.

¹⁶⁰ For additional discussion on electoral college procedure, see CRS Report R48309, *Joint Session of Congress for Counting Electoral Votes for President*, by Elizabeth Rybicki, L. Paige Whitaker, and R. Sam Garrett. See also CRS In Focus IF12682, *Electoral College Overview*, by R. Sam Garrett.

¹⁶¹ For additional detail, see Office of Government Ethics, "Financial Disclosure Resources for Presidential and Vice Presidential Candidates," https://www.oge.gov/web/oge.nsf/resources_presidential_vp_candidates; and Federal Election Commission, "Other agency requirements," <https://www.fec.gov/help-candidates-and-committees/registering-candidate/other-agency-requirements/>.

¹⁶² For additional discussion of OGE, see CRS In Focus IF10634, *Office of Government Ethics: A Primer*, by Jacob R. Straus; and CRS In Focus IF12019, *Executive Branch Ethics and Financial Disclosure Administration: The Role of Designated Agency Ethics Officials (DAEOs)*, by Jacob R. Straus.

¹⁶³ 52 U.S.C. §10305.

¹⁶⁴ See, for example, U.S. Department of Justice, "About Federal Observers and Election Monitoring," <https://www.justice.gov/crt/about-federal-observers-and-election-monitoring>.

¹⁶⁵ The board is formally known as the Architectural and Transportation Barriers Compliance Board. See 29 U.S.C. §792.

¹⁶⁶ The entire federal membership of the Access Board is not reflected in this report. For additional information, see U.S. Access Board, "Access Board Members," <https://www.access-board.gov/about/board-members/>.

¹⁶⁷ See 52 U.S.C. §20944(11) and 52 U.S.C. §20961(c)(1)(iii), respectively.

U.S. Commission on Civil Rights

The U.S. Commission on Civil Rights investigates discrimination based on “color, race, religion, sex, age, disability, or national origin.”¹⁶⁸ This includes conducting research on voting and political participation. The VRA authorizes the commission to designate jurisdictions subject to Census Bureau post-election surveys.¹⁶⁹ HAVA requires that Civil Rights Commission members be appointed to the EAC’s Board of Advisors.¹⁷⁰

U.S. Postal Service

Election administrators and political campaigns (and parties, etc.) rely on the U.S. Postal Service (USPS) to transmit election mail and political mail.¹⁷¹ The former includes election-administration materials, such as absentee ballots, polling-place notices, etc. The latter refers to mailings advocating for political candidates, parties, etc. As noted previously, mail to military personnel can be handled by the USPS and by the MPSA (DOD). The U.S. Postal Inspection Service (USPIS) may participate in investigations or other law-enforcement duties regarding mail affecting federal campaigns or elections.¹⁷²

The Federal Judiciary

Courts do not play policymaking or implementation roles in U.S. campaigns and elections. The judiciary’s role is therefore largely beyond the scope of this report, as are legal issues. It is important to note, however, that courts can substantially affect interpretation of the statutes discussed above, and review agency implementation of those statutes. Federal law also assigns election-related duties to courts in specific cases, as noted briefly below.

- Federal statutes provide expedited judicial review of complaints arising from some campaign finance and elections matters.¹⁷³
- Particularly on constitutional questions, which are especially prominent in areas such as protected political speech, judicial interpretation shapes the policy options available to Congress.¹⁷⁴
- The VRA permits federal courts to order the presence of federal election monitors or observers to protect against voting rights violations.¹⁷⁵
- Federal courts sometimes adjudicate elections disputes, such as contested election results or oversight of redistricting plans.

¹⁶⁸ 42 U.S.C. §1975a.

¹⁶⁹ 52 U.S.C. §10507. The requirement also applies to “covered jurisdictions” established by the act and based on Census Bureau data.

¹⁷⁰ 52 U.S.C. §20944(10).

¹⁷¹ See, for example. U.S. Postal Service, *2024 Post-Election Analysis Report*, <https://about.usps.com/what-government-services/election-mail/pdf/usps-post-election-report-2024-12-02.pdf>.

¹⁷² See, for example, U.S. Postal Inspection Service, “Election Mail Security,” <https://www.uspis.gov/election-mail-security>.

¹⁷³ See, for example, 52 U.S.C. §30110.

¹⁷⁴ See, for example, CRS Report R43719, *Campaign Finance: Constitutionality of Limits on Contributions and Expenditures*, by L. Paige Whitaker.

¹⁷⁵ See, for example, 52 U.S.C. §10305.

Frequent election-related litigation and the increasing frequency of legal specialties devoted to campaign finance and elections suggest that the courts will continue to play important roles in shaping federal regulation of campaigns and elections.

Conclusion

The federal *presence* in campaigns and elections does not necessarily mean federal *power*. The preceding pages confirm that the federal government does relatively little to actually *administer* elections. Where the federal government is involved, however, its presence can be extensive. Historically, the federal government has emphasized domestic campaigns and elections concerns. These include topics such as transparent campaign financing, protecting voting rights, and providing states funding to support election administration. New challenges, such as threats from foreign actors and through cyberattacks, suggest that the federal government's role in campaigns and elections is increasingly complex and interdisciplinary. Some federal roles as implemented in policy or practice vary compared with the roles as specified in statute.

Currently, no single agency or statute provides overarching coordination for the federal role in campaigns and elections. Only two small independent agencies—the EAC for election administration and the FEC for campaign finance—are devoted solely to campaigns and elections policy. Agencies such as DHS can bring security expertise to elections, but are not elections specialists, as are the EAC, FEC, or parts of DOJ. For some, greater coordination across statutes and agencies might be beneficial, while others likely would respond that the existing system is based on deliberately unique statutes, agency expertise, and federalism principles.

Federal policy and law regarding elections primarily emphasizes regulating campaigns, campaign finance, election administration, or voting rights issues. Other issue areas, such as homeland security, telecommunications, and taxation, can affect aspects of federal policy related to elections in specific circumstances. Congress could choose to broaden or narrow the kinds of conduct that are subject to regulation in campaign finance or election law in the future. If it does so, one or more of the statutes and agencies discussed in this report likely would be affected.

Appendix A. Overview of Major Governmental Roles in U.S. Campaigns and Elections

Table A-1. Overview of Major Governmental Roles in U.S. Campaigns and Elections

Refers only to elections for federal offices unless otherwise noted. See also *Table Notes* below.

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|------------------|---|---|---|--|---|---|
| Campaign Finance | Civil regulation, disclosure, and enforcement | Federal | Federal law governs contribution amounts and sources, and sets disclosure and disclaimer requirements, for federal campaigns. | Federal Election Commission (FEC) | U.S. Constitution: 1 st Amdt.; Election law (Federal Election Campaign Act, FECA); 52 U.S.C. §§30101-30146 | Certain independent spending also may be regulated by the Internal Revenue Code (tax law); Department of Labor (DOL) provides updated Consumer Price Index information to FEC for indexing contribution limits; Office of Government Ethics (OGE) personal financial disclosure reports for presidential and vice-presidential candidates are filed with the FEC and then transmitted to OGE for compliance review. |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|------------------|--|---|--|--|---|--|
| Campaign Finance | Criminal enforcement ^b | Federal | Federal law governs contribution amounts and sources, and sets disclosure and disclaimer requirements, for federal campaigns. | Department of Justice (DOJ); FEC may make referrals | U.S. Constitution: 1 st Amdt.; Election law (FECA): 52 U.S.C. §§30101-30146; Criminal law: 18 U.S.C. §§594-607, 610 | Other federal law/agencies relevant in some cases (e.g., tax, banking matters) |
| Campaign Finance | Disclosure of certain State Department-nominee financial contributions | Federal | Nominees for “chief of mission, ambassador at large, or minister” are required to disclose to the Senate Committee on Foreign Relations and to the Speaker of the House certain FECA campaign contributions made by themselves or specified family members | Senate Foreign Relations Committee and Speaker of the House (see Notes column) | 22 U.S.C. §3944(b)(3), relying on FECA contribution definition (52 U.S.C. §30101(8)) | The Senate Foreign Relations Committee and the Speaker of the House receive disclosure reports, which nominees are responsible for filing. |
| Campaign Finance | Disclosure of certain union financial activity | Federal | Unions report certain “political activity” to the Labor Department, in addition to campaign finance reporting requirements. | FEC; Department of Labor | Election law (FECA): 52 U.S.C. §§30101-30146; Labor law (Labor-Management Reporting and Disclosure Act, LMRDA): 29 U.S.C. §§401-531 | Campaign finance law regulates reporting for union electioneering communications, independent expenditures, and political action committees. See also <i>Campaign Finance—Civil regulation, disclosure, and enforcement.</i> |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|------------------|---|---|---|--|--|---|
| Campaign Finance | Electioneering communications or independent expenditures by politically active tax-exempt organizations (e.g., 501(c)(4)s) | Federal | Federal campaign finance law governs independent expenditures affecting campaigns; tax law governs certain fundraising and disclosure by politically active tax-exempt organizations. | FEC; Department of the Treasury (Treasury), Internal Revenue Service (IRS) | Tax law (Internal Revenue Code, IRC): 26 U.S.C. §§501(c)4-501(c)(6), 527; Election law (FECA): 52 U.S.C. §§30101-30146 | — |
| Campaign Finance | Presidential inaugurations—fundraising disclosure | Federal | Federal law establishes disclosure requirements. | FEC | 36 U.S.C. §510 | This row refers only to fundraising disclosure requirements, not the federal role in inaugurations generally. The FEC discloses required fundraising reports, but elements of tax law govern fundraising. |
| Campaign Finance | Presidential public financing program | Federal | Federal law establishes voluntary taxpayer “checkoff” program for candidates who opt in. | FEC administers program; Treasury and IRS collect and disburse funds | Tax law (IRC): 26 U.S.C. §§9001-9042; Election law (FECA): 52 U.S.C. §§30101-30146 | — |
| Campaign Finance | Prohibitions on federal personnel, on federal property, etc. | Federal | Federal law prohibits fundraising on federal property, promises of appointment, employment, threats to appointment, etc., in connection with federal elections. | U.S. Office of Special Counsel; DOJ | Civil service/ethics law (Hatch Act): 5 U.S.C. §§7321-7326; Criminal law: 18 U.S.C. §§594-607, 610 | See also <i>Election Administration—Voters—Prohibited influence on, coercion, etc.</i> |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|------------------|---|---|--|---|--|--|
| Campaign Finance | Regulating broadcast/digital political advertising and certain other communications | Federal | Federal law requires disclaimers on, and disclosure of, certain political advertising (express advocacy, independent expenditures) and fundraising solicitations. | FEC; Federal Communications Commission (FCC) administers broadcaster disclosure | Election law (FECA): 52 U.S.C. §§30101-30146; Telecommunications law [broadcaster disclosure]: 47 U.S.C. §315; on automated calls or texts that can be relevant for federal campaigns or elections: 47 U.S.C. §227 | See also <i>Campaign Finance—Telecommunications—broadcaster obligations, candidate access, and advertising rates.</i> |
| Campaign Finance | Taxation of political committees | Federal | Federal law generally exempts political committees from taxation. | Treasury, IRS | Tax law (IRC): 26 U.S.C. §527 | Separate provisions apply to politically active tax-exempt organizations (e.g., 501(c)(4)s). |
| Campaign Finance | Telecomm.—broadcaster obligations, candidate access, and advertising rates | Federal | Federal law provides access to reduced-rate broadcast time in certain circumstances, regulates candidate access to broadcast media, and specifies broadcaster disclosure requirements for advertising purchases. | FCC | Telecommunications law: 47 U.S.C. §§312, 315, 317 | Campaign finance law (FECA) regulates disclaimer and disclosure requirements for certain political advertising. Congress amended some Title 47 provisions through the Bipartisan Campaign Reform Act (BCRA, which amended FECA). BCRA otherwise primarily amended campaign finance law. See also <i>Campaign finance—civil</i> |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|-------------------------|---------------------------------------|---|---|---|---|--|
| Election Administration | Ballots—mail provision and regulation | Federal | For election jurisdictions (e.g., states), transmits absentee ballots and other election mail (i.e., election administration) materials and political mail (i.e., campaign materials) | U.S. Postal Service (USPS) for civilian mail; Military Postal Service Agency (MPSA, DOD) for some military mail | Election law (Uniformed and Overseas Citizens Absentee Voting Act, UOCAVA): 52 U.S.C. §§20301-20311 | <i>regulation and enforcement.</i> See also <i>Election Administration—Ballots—preparing, counting, etc.</i> On registration by mail, see the National Voter Registration Act, NVRA: 52 U.S.C. §§20501-20511, especially §20505). |
| Election Administration | Ballots—preparing, counting, etc. | States | — | — | — | See also <i>Election Administration—Ballots—mailing.</i> |
| Election Administration | Ballots—providing absentee | States | Federal law mandates availability of absentee ballots to overseas civilians and military voters in federal elections. | Federal Voting Assistance Program (FVAP, Department of Defense); enforcement: DOJ | Criminal law: 18 U.S.C. §608; Election law (UOCAVA): 52 U.S.C. §§20301-20311 | See also <i>Ballots—mail provision and regulation.</i> As of this writing, the Department of Defense is using a secondary Department of War designation, under Executive Order 14347 dated September 5, 2025. |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|-------------------------|---|---|--|--|---|---|
| Election Administration | Election administration—general | States | Some federal agencies provide limited coordination of “best practices” | U.S. Election Assistance Commission (EAC) | U.S. Constitution: Art. I, §4, cl. 1 (time, place, and manner) and Art. II, §4, cl. 1 (presidential electors); Election law (Help America Vote Act; HAVA): 52 U.S.C. §§20901-21145 | Related topics appear throughout the table. Functional responsibility for most election administration rests with states. |
| Election Administration | Financing election administration—purchasing voting machines, counting ballots, etc. | States | Administers grant funding for states to upgrade election equipment and assist in election administration | EAC | Election law (HAVA): 52 U.S.C. §§20901-21145 | — |
| Election Administration | Military—prohibitions on “troops at the polls,” use of military in voter coercion, or coercing participation in military voting | Federal | Federal law prohibits military presence at polling places and military interference with elections. | DOJ | Election law (originally, for example, 13 Stat. 437 [1865]); now codified with VRA): 52 U.S.C. §10102 Criminal law: 18 U.S.C. §§592, 593, 596, 608 | Some states have assigned National Guard units to duties such as cybersecurity support for state election officials. |
| Election Administration | Election-records retention | States | Federal law requires election “officers” to preserve certain election records and papers for 22 months after a general election or a federal primary election, and to provide to the Attorney General under specified circumstances. | DOJ | 52 U.S.C. §§20701-20706 | Cited provisions to left are currently codified in Title 52 (election law); enacted in Civil Rights Act of 1960 (P.L. 86-449, Title III). |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|-------------------------|--|---|---|--|--|--|
| Election Administration | Election-records retention—registration | States | Federal law requires states to retain for at least two years, and to make publicly available, “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters,” with specified exceptions. | DOJ | Election law: (NVRA): 52 U.S.C. §§20501-20511; see especially §20507. | — |
| Election Administration | Setting election dates—general | States | Federal law establishes national election date for federal elections | — | U.S. Constitution, Art. I, §4; 2 U.S.C. §7 | See 3 U.S.C. §1 on “time of appointing” presidential electors. |
| Election Administration | Setting election dates—primary | States/state parties | — | — | — | — |
| Election Administration | Voters—prohibited influence on, coercion, etc. | Federal | Federal law prohibits voter intimidation, coercion, and promises of (or threats to) employment, appointments, etc., in connection with federal elections. | U.S. Office of Special Counsel; DOJ | Civil service/ethics (Hatch Act): 5 U.S.C. §§7321-7326; Criminal law: 18 U.S.C. §§594-607, 610 | See also <i>Campaign Finance</i> —prohibitions on federal personnel, on federal property, etc. |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|-------------------------|---|---|---|--|---|--|
| Election Administration | Voters—registration | States | Federal law requires computerized statewide voter registration lists; permits provisional balloting; requires access to federal mail-based registration application and registration opportunities at certain government offices; and requires states to accept registration applications from UOCAVA voters who otherwise do not meet some registration requirements (e.g., notarization). | DOJ for civil enforcement | Election law (HAVA: 52 U.S.C. §§20901-21145; NVRA: 52 U.S.C. §§20501-20511; UOCAVA: 52 U.S.C. §§20301-20311; VRA: 52 U.S.C. §§10101-10702) | See also <i>Election Administration—records retention—registration</i> . |
| Election Administration | Voters—uniformed (including military) and civilian overseas | States | Federal law mandates availability of absentee ballots to overseas civilians and military voters in federal elections. | Federal Voting Assistance Program (FVAP, DOD); enforcement: DOJ; other federal agencies with covered UOCAVA personnel can assist FVAP with administering UOCAVA provisions | Criminal law: 18 U.S.C. §608; Election law (UOCAVA): 52 U.S.C. §§20301-20311 DOD compliance and assessments: 10 U.S.C. §1566; on polling places on military installations, see 10 U.S.C. §2670 | See also <i>Election Administration—Ballots—providing absentee</i> . |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|-------------------------|--|---|--|--|--|---|
| Election Administration | Voting equipment—selecting | States | Federal law places certain conditions on states accepting HAVA grant funds for purchasing election equipment. EAC develops Voluntary Voting System Guidelines (VVG) and conducts testing and certification. | EAC has primary responsibility for federal role; Department of Commerce (DOC), National Institute of Standards and Technology (NIST) | Election law (HAVA): 52 U.S.C. §§20901-21145 | EAC and NIST share certification duties. |
| Election Security | Advisory on foreign counterintelligence and cybersecurity threats to U.S. federal election campaigns | Federal | Federal law requires a publicly available “advisory report,” at least one year before a federal election, on counterintelligence and cybersecurity threats to U.S. campaigns and best practices for mitigation | Office of the Director of National Intelligence (ODNI); DHS; FBI | 50 U.S.C. §3371(a) | ODNI issues advisory in coordination with DHS Under Secretary for Intelligence and Analysis, and FBI Director. |
| Election Security | Assessments of foreign interference in U.S. elections | Federal | ODNI and Intelligence Community (IC) provide or contribute to relevant intelligence assessments and investigations; ODNI Foreign Malign Influence Center (FMIC) housed Election Threats Executive | Office of the Director of National Intelligence (ODNI) | 50 U.S.C. §3371(c); on FMIC: 50 U.S.C. §§3058-3059 | See report text and cited CRS products regarding ODNI reorganization announced in August 2025, which affects FMIC. DNI may terminate FMIC effective 12/31/2028 at DNI discretion, pending congressional notification. |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|-------------------|---|---|--|--|---|---|
| Election Security | Election systems and voting equipment—cybersecurity | States | Administers grant funding for states to upgrade election equipment, and provides voluntary equipment certification and testing | EAC; DOC, NIST; DHS; ODNI; other Intelligence Community (IC) agencies <i>Criminal aspects:</i> DOJ, FBI | Election law (HAVA): 52 U.S.C. §§20901-21145 DOD authority for including elections cyber vulnerabilities in certain exercises: 10 U.S.C. §2224 note [131 Stat. 1744] | EAC provides grants and disseminates “best practice” information; DHS provides consultations and incident-response if invited; DHS responsible for “critical infrastructure” designation; some Federal Emergency Management Agency (FEMA) grant programs have required allocations for election security. ODNI and IC agencies participate in assessments of foreign interference. Cybersecurity and law enforcement statutes that do not specifically address elections are also relevant. |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|-------------------|--|---|--|---|--|---|
| Election Security | Voting equipment—security | States | Federal law provides (or has provided) grants for equipment meeting certain security criteria; federal government offers voluntary testing/certification for equipment | EAC; DOC, NIST; DHS; ODNI; IC agencies <i>Criminal aspects: DOJ, FBI, U.S. Postal Inspection Service (USPIS, for election mail and political mail)</i> | Election law (HAVA): See especially 52 U.S.C. §20971 | EAC and NIST share certification duties. HAVA assigned the General Services Administration (GSA) with distributing grants under Title I of the act before the EAC was fully operational. See also <i>Election systems and voting equipment—cybersecurity</i> . Cybersecurity and law enforcement statutes that do not specifically address elections are also relevant. |
| Other | Campaigning for office—other than campaign finance | None (conducted by nongovt. entities such as candidates, parties, etc.) | — | — | — | See also <i>Campaign Finance</i> entries throughout the table. Some state laws affect campaign practices, such as false statements. |
| Other | Nominating candidates | None (nongovt. function; conducted by political parties) | — | — | — | — |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|----------|---|---|--|---|--|--|
| Other | Presidential candidates and nominating conventions—security | Federal | Federal law charges the U.S. Secret Service with protecting major presidential candidates, and with coordinating security for National Special Security Events, including presidential nominating conventions. | DHS, U.S. Secret Service | 6 U.S.C. §601(9); 18 U.S.C. §§871, 3056 | — |
| Other | Required access for designated congressional observers in federal elections | Federal | Federal law requires states to provide specified access for designated House or Senate employees who are acting as congressional observers in federal elections. | The chairs or ranking members of the Committee on House Administration, or of the Senate Rules and Administration Committee, may designate observers. | Election law (HAVA): 52 U.S.C. §21083a | See also <i>Voting Rights—Monitoring and observing U.S. elections</i> . |
| Other | Notice of counterintelligence assessments concerning federal candidates | Federal | Provide specified notice to Congress within 15 days of “each counterintelligence assessment or investigation” involving a federal candidate or federal officeholder | FBI | 50 U.S.C. §3091 | The Speaker of the House; the House Minority Leader; the Majority and Minority Leaders of the Senate, and the chairs and ranking members of the Committees on Intelligence and on the Judiciary receive reports, which the FBI Director is responsible for filing. |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|--|--|---|---|---|--|--|
| Qualifications and Contested Elections | Contested federal elections | Federal [see Notes to right] | The U.S. Constitution and federal law provide each chamber of Congress authority over deciding its own elections. | Congressional elections: U.S. Constitution, Art. I, §5; Presidential elections: U.S. Constitution, Art. II, §1; 12 th Amdt.; 3 U.S.C. §5 | House contests: Federal Contested Election Act (FCEA): 2 U.S.C. §§381-396; Presidential contests: Electoral Count Act (3 U.S.C. §§5; 15) | Primary federal responsibility at left refers to final disposition. State law also might be relevant. |
| Qualifications and Contested Elections | House elections—compiling certified election results | States | House Clerk maintains roll of elected Members, as certified by states | Clerk of the House | U.S. Constitution, Art. I §5; 2 U.S.C. §26 | See also House Rule II(2). |
| Qualifications and Contested Elections | House elections—filling House vacancies | States | U.S. Constitution requires popular elections to fill House vacancies | — | U.S. Constitution, Art., I §2 | 2 U.S.C. §8 specifies provisions for scheduling House special elections in “extraordinary circumstances” of more than 100 vacancies. |
| Qualifications and Contested Elections | House elections—popular election and qualifications | States | U.S. Constitution requires popular elections for House Members and sets Representative qualifications | — | U.S. Constitution, Art., I §2; 2 U.S.C. §8 | — |
| Qualifications and Contested Elections | Presidential elections—popular election and qualifications | States | U.S. Constitution establishes electoral college and sets presidential and vice-presidential qualifications | National Archives and Records Administration (NARA) | U.S. Constitution, Art. II, §1; 12 th Amdt.; 3 U.S.C. §§1-21. | — |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|--|---|---|---|---|---|---|
| Qualifications and Contested Elections | Senate elections—compiling certified election results | States | Senate Secretary maintains roll of elected Senators, as certified by states | Secretary of the Senate | Constitution, Art. I, §5; 2 U.S.C. §§1a-1b | See also Rule II, Standing Rules of the Senate |
| Qualifications and Contested Elections | Senate elections—filling Senate vacancies | States | U.S. Constitution specifies that governors may fill vacancies; procedures vary by state | — | U.S. Constitution, Art. I, §3; 17 th Amdt. | — |
| Qualifications and Contested Elections | Senate elections—popular election and qualifications | States | U.S. Constitution requires popular elections for Senators and sets Senator qualifications | — | U.S. Constitution, Art. I, §3; 17 th Amdt. | Art. I, Sec. 3 assigns Senator appointment to state legislatures. The 17 th Amdt. (ratified 1913) requires popular election. |
| Redistricting | Reapportionment | Federal | U.S. Constitution and federal law specify decennial census data as basis for apportionment and redistricting | DOC, Census Bureau; Enforcement: DOJ | U.S. Constitution: Art. I; 14 th Amdt.; 2 U.S.C. §§2a-2c; 13 U.S.C. §141; VRA: 52 U.S.C. §§10101-10702 | — |
| Redistricting | Redistricting | States | U.S. Constitution and federal law specify decennial census data as basis for apportionment and redistricting | DOC, Census Bureau; Enforcement: DOJ | U.S. Constitution: Art. I; 14 th Amdt.; 2 U.S.C. §§2a-2c; 13 U.S.C. §141; VRA: 52 U.S.C. §§10101-10702 | — |
| Voting Rights | Voter eligibility | States | U.S. Constitution or federal law prohibit voting restrictions based on sex, race, language, or age if over 18 years; federal law prohibits noncitizen (“alien”) voting, with certain exceptions | Enforcement: DOJ Participation research: DOC, Census Bureau; U.S. Commission on Civil Rights | U.S. Constitution: Art. I and 14 th , 15 th , 19 th , 24 th , and 26 th Amdts.; VRA: 52 U.S.C. §§10101-10702; on noncitizen (“alien”) voting: 18 U.S.C. §611 | — |

| Category | Topic | Level of Government with Primary Responsibility | Federal Role in Brief | Primary Federal Agency or Agencies Responsible | Key Constitutional Provisions or Federal Statutes ^a | Notes |
|---------------|--|---|---|--|---|--|
| Voting Rights | Voters—disabled access to registration and the polls | States | Federal law permits voting assistance for elderly, disabled, blind, or illiterate voters; requires accessibility in certain registration and polling places; and authorizes funding for improving access to polling places and to otherwise support voting access | Research: EAC; Enforcement: DOJ; HAVA funding: Department of Health and Human Services (HHS) | Americans with Disabilities Act (ADA): 42 U.S.C. §§12101-12213; Voting Accessibility for the Elderly and Handicapped Act (VAEHA): 52 U.S.C. §§20101-20107; VRA: 52 U.S.C. §§10101-10702; HAVA: 52 U.S.C. U.S.C. §§20901-21145 | The ADA does not appear to specifically address elections, but the ADA and accompanying regulations require accommodation in public services. See the “Americans with Disabilities Act” section for additional discussion. |
| Voting Rights | Voting—discriminatory practices | Federal | U.S. Constitution or federal law prohibit voting restrictions based on sex, race, language, or age if over 18 years | Enforcement: DOJ Participation research: DOC, Census Bureau; U.S. Commission on Civil Rights | U.S. Constitution: Art. I and 14 th , 15 th , 19 th , 24 th , and 26 th Amdts.; VRA: 52 U.S.C. §§10101-10702 | — |
| Voting Rights | Monitoring and observing U.S. elections | Federal | Federal law permits assignment of election monitors and observers in covered jurisdictions or as determined by the Attorney General or federal court | DOJ (monitors); Office of Personnel Management (OPM) (observers; trained in consultation with DOJ) | Election law (VRA): 52 U.S.C. §§10101-10702 | DOJ has determined that the Supreme Court’s 2013 <i>Shelby County v. Holder</i> ruling limits some relevant VRA provisions. See also Other—Required access for designated congressional-election observers. |

Source: CRS analysis of cited statutes and as discussed in the text of this report.

Notes: The table includes functions that specifically affect campaigns or elections. Other agencies or provisions in law or regulation might be relevant in specific cases. For example, a campaign finance investigation might involve banking law, but because banking law is not central to campaign finance and election administration in the United States, it is excluded from the table. Litigation that is beyond the scope of this report affects some of the provisions listed in the table.

- a. Cited constitutional and statutory provisions cover various aspects of campaigns or elections, not only those listed in the table. Title 52 citations reflect a 2014 “editorial reclassification” of federal election law, which changed previous locations in the U.S. Code. As the Office of Law Revision Counsel (the House office that maintains the U.S. Code) explains, “No statutory text is altered by such editorial reclassification projects, other than necessary updates to references to reflect the reorganization. Relevant provisions are merely transferred from one place to another in the Code.” See U.S. House of Representatives, Office of Law Revision Counsel, “Editorial Reclassification,” <http://uscode.house.gov/editorialreclassification/reclassification.html>.
- b. For additional discussion of criminal law concerning campaign finance and elections generally, see *Federal Prosecution of Election Offenses*, 8th edition, ed. Richard C. Pilger (U.S. Department of Justice, 2017), <https://www.justice.gov/criminal/file/1029066/download>.

Appendix B. Executive Orders Substantially Related to Elections, 2020-2025

As discussed in the “Scope of the Report” section, this report does not substantially address executive orders (EOs) or other nonstatutory provisions that are subject to change even without amendments to federal law. **Table B-1** below provides brief summary information regarding EOs issued since 2020 that contain provisions that could substantially affect the federal campaign finance, elections, or voting policy functions discussed in the body of this report. EO 14215, also discussed below, could specifically affect the FEC or other agencies, although that EO does not address campaign finance, elections, or voting policy issues discussed elsewhere in this report.¹⁷⁶

¹⁷⁶ This Appendix excludes EOs that cite campaign finance, elections, or voting issues but that appear to primarily emphasize other topics (e.g., EOs imposing sanctions for foreign interference in U.S. elections or those revoking security clearances, or review of government contracts or access (see, for example, EOs 14024 (Biden), 14152 (Trump), and 14250 (Trump) respectively). The table does not address litigation affecting the executive orders. It also excludes commemorative proclamations (e.g., recognizing National Voter Registration Day) and executive orders related solely to foreign elections.

Table B-1. Executive Orders Substantially Related to Elections Policy, 2020-2025

See also Table notes.

| Date Issued | Issuing President | Executive Order Number | Executive Order Title | Brief Summary Regarding Elections Issues |
|-------------|-------------------|------------------------|---|---|
| 03/10/2021 | Biden | 14019 | Promoting Access to Voting | Direct agencies to “consider ways to expand” access to voter-registration and voting information; designate agencies as voter-registration agencies if requested by a state; provide registration and voting information to eligible individuals in federal custody; provide registration opportunities and voting information to federal employees and members of the military; establish Native American Voting Rights Steering Group ^a |
| 03/28/2025 | Trump | 14248 | Preserving and Protecting the Integrity of American Elections | <p><i>Note: Revoked by Executive Order 14148 (issued 01/20/2025)</i></p> <p>Direct Election Assistance Commission (EAC) to require “documentary proof of citizenship” on national mail voter registration form; require Department of Homeland Security (DHS) to ensure state and local election-official access to certain citizenship and immigration-status data; require DHS in consultation with Department of Government Efficiency (DOGE) to review certain state and local voter-registration records and list-maintenance activities; require voter-registration agencies to “assess citizenship” before providing registration forms; direct Attorney General to prioritize enforcement regarding noncitizen registration and voting; require Social Security Commissioner to assist states in verifying voter eligibility; direct Secretary of Defense to update Federal Post Card Application (FPCA) to require documentary proof of citizenship for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters using the form; direct EAC to “cease providing Federal funds” to states in specified circumstances and to update</p> |

| Date Issued | Issuing President | Executive Order Number | Executive Order Title | Brief Summary Regarding Elections Issues |
|-------------|-------------------|------------------------|-----------------------|---|
| | | | | Voluntary Voting System Guidelines (VVSG) 2.0 and review and, if applicable, recertify voting systems under new VVSG standards; direct DHS Secretary and Federal Emergency Management Agency (FEMA) Administrator to “heavily prioritize” certain DHS funding on VVSG compliance; direct Attorney General to enter into information-sharing agreements with state election officials for enforcement purposes; require DHS Secretary and EAC to “review and report” on security of election systems; direct Attorney General to take enforcement actions, and direct EAC to condition federal funding on, uniform receipt date for absentee ballots in federal elections; direct Attorney General, in consultation with Treasury Secretary, to prioritize enforcement regarding FECA foreign-national prohibition; direct EAC and other agencies to cease implementation of EO 14019 ^b |

Source: Information in the table is based on CRS searches of GovInfo.gov for *Federal Register* executive orders issued between 2020 and 2025 citing “elections” or “voting.”

Notes: EO^s listed in the table contain provisions that could (or did) substantially affect domestic campaign finance, elections, or voting policy. The table excludes EO^s that appear to primarily emphasize other topics but that also mention elections topics (e.g., it excludes EO^s imposing sanctions for foreign interference in U.S. elections or those revoking security clearances), or review of government contracts or access (see, for example, EO^s 14024 (Biden), 14152 (Trump), and 14250 (Trump) respectively). The table does not address litigation affecting the executive orders. It also excludes commemorative proclamations (e.g., recognizing National Voter Registration Day) and executive orders related solely to foreign elections.

- a. For additional discussion of aspects of EO 14019, see CRS Insight IN11782, *Voter Registration Agencies Under the National Voter Registration Act of 1993 (NVRA)*, by Sarah J. Eckman.
- b. For additional discussion of aspects of EO 14248, see CRS Insight IN12590, *Executive Order 14248: Action by the U.S. Election Assistance Commission on Voting System Testing and Certification Provisions*, by Karen L. Shanton; and CRS Legal Sidebar LSB11368, *Executive Order on Elections: Legal Background and Court Challenges*, by Jimmy Balser and L. Paige Whitaker.

A Note on the Executive Order 14215 Regarding Agency Rulemaking

On February 18, 2025, President Trump issued EO 14215, stating various requirements for many federal agencies, specifically including the FEC.¹⁷⁷ Although the order does not specifically address elections, it could affect elections-related rulemakings by the FEC or other agencies. Among other provisions, the EO requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (OIRA) for review, and declares that the President or the Attorney General “shall provide authoritative interpretations of law for the executive branch,” including covered agencies.¹⁷⁸

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¹⁷⁷ See Executive Order 14215, “Ensuring Accountability for All Agencies,” 90 *Federal Register* 10447, February 24, 2025. On inclusion of the FEC, see p. 10448.

¹⁷⁸ See Executive Order 14215, “Ensuring Accountability for All Agencies,” pp. 10448-10449. On the rulemaking process generally, see, for example, CRS Report RL32240, *The Federal Rulemaking Process: An Overview*, coordinated by Maeve P. Carey. For additional discussion of OIRA, see CRS Report R48546, *The Office of Information and Regulatory Affairs (OIRA): Overview and Major Responsibilities*, coordinated by Meghan M. Stuessy and Taylor N. Riccard.