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# Federal Role in U.S. Campaigns and Elections: Highlights

The federal role in elections is limited yet complicated. The Constitution and federalism limit the federal government's roles, resulting in a set of tasks that support states, territories, and localities. Within its purview, however, the federal government's duties can involve multiple statutes, agencies, and areas of public policy. At least 22 congressional committees; 20 federal departments or agencies; 9 federal statutes; and several constitutional provisions can affect the federal role in campaigns and elections.

This CRS In Focus highlights key statutes and federal agencies that Congress has charged with administering and enforcing federal law regarding U.S. campaigns and elections. Understanding how Congress has chosen to structure existing authorities could be relevant if the House and Senate consider options—including whether to maintain the status quo or to pursue change—relating to appropriations, legislation, or oversight.

The content herein is adapted primarily from CRS Report R45302, *Federal Role in U.S. Campaigns and Elections: An Overview*, by R. Sam Garrett. That report provides additional detail about the topics discussed below. It also cites several other CRS products that provide additional information about specific topics. Some recent developments are, or have been, subject to litigation. This In Focus does not provide legal analysis.

## Congressional Roles

The Constitution specifies several authorities and roles for Congress relevant to federal campaigns and elections. These include, for example, conducting oversight and considering legislation on all manner of issues related to campaigns and elections; appropriating federal funds; and executing constitutional duties such as counting electoral college ballots in presidential elections and considering contested elections.

The Committee on House Administration and the Senate Committee on Rules and Administration exercise primary jurisdiction over federal elections issues. They are also the primary oversight committees for two elections-related agencies: the Election Assistance Commission (EAC) and the Federal Election Commission (FEC). Both committees also have jurisdiction over contested elections within their respective chambers. The House and Senate Judiciary Committees have primary jurisdiction over voting rights issues and for Department of Justice (DOJ) oversight. 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.

## Major Policy Areas and Statutes

At least nine federal statutes devoted primarily to campaigns and elections generally address six broad policy areas: (1) campaign finance; (2) election administration; (3) election security; (4) redistricting; (5) qualifications and contested elections; and (6) voting rights.

Except for campaign finance policy, federal campaigns are subject to relatively little regulation. Election administration in the United States is highly regulated and is primarily a state-level responsibility. Provisions in state law and, to a lesser degree, federal law, regulate how voters cast ballots and who may do so. Federal statutes also contain provisions designed to protect voting rights.

Among other constitutional provisions, the Elections Clause assigns states with setting the “Times, Places and Manner” for House and Senate elections, and also permits Congress to “at any time ... make or alter such Regulations” (Art. I, §4). The most prominent current statutes that regulate campaigns, elections, or voting were enacted between 1965 and 2002. These statutes, noted below, have been amended multiple times:

- The Federal Election Campaign Act (FECA; 52 U.S.C. §§30101-30146) regulates campaign finance law and contains both civil and criminal penalties. FECA's provisions can have substantial implications for political campaigns because the statute affects how candidates, parties, and other groups raise and spend money and what information they must publicly disclose. The act also established the FEC.
- The Help America Vote Act (HAVA; 52 U.S.C. §§20901-21145) generally covers three major categories related to election administration: (1) establishing requirements for states in administering federal elections; (2) authorizing federal funding to support election administration; and (3) establishing the EAC.
- The National Voter Registration Act (NVRA; 52 U.S.C. §§20501-20511) places certain requirements on states, which retain primary authority over voter registration in federal elections. The act requires states to provide federal voter registration materials at certain governmental agencies and to accept a federal mail-registration form. Along with HAVA, NVRA also specifies certain requirements for how states maintain their voter registration lists (voter rolls) in federal elections.
- The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA; 52 U.S.C. §§20301-20311) encourages or requires states to make registration and voting easier

for military voters, overseas citizens, or both, by establishing various notice, registration, and absentee-balloting requirements. The act also established the Federal Voting Assistance Program (FVAP), a Department of Defense (DOD) entity that administers the act on behalf of the Secretary of Defense. (As of this writing, the Secretary of Defense is using a secondary Secretary of War designation, under Executive Order 14347 dated September 5, 2025.)

- The Voting Rights Act (VRA; 52 U.S.C. §§10101-10702) protects equal access to the registration process and voting. 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. The act also prohibits discrimination based on language minority group status.

### Major Federal Agency Roles

At least 20 federal agencies play some role in supporting or regulating federal campaigns and elections. Importantly, however, only a few agencies most routinely and directly affect campaigns and elections in the United States.

Two federal agencies are devoted entirely to campaigns and elections:

- The EAC administers congressionally appropriated federal funding for elections (when applicable) and coordinates information-sharing about elections practices among election jurisdictions.
- The FEC administers and conducts civil enforcement of FECA. The agency also administers the public financing program for presidential campaigns that choose to participate.

Several other agencies are primarily devoted to other areas of policy and law, but can also play substantial campaigns and elections roles in specific circumstances. Examples include the following:

- The Department of Justice (DOJ) enforces criminal law and some civil provisions in federal elections statutes.
- The Department of Homeland Security (DHS), through a 2017 DHS “critical infrastructure” designation for U.S. election infrastructure, can provide support for election jurisdictions on issues such as cybersecurity.
- The National Archives and Records Administration (NARA) administers communication with states concerning the electoral college.
- The U.S. Postal Service (USPS) transmits election mail and political mail.

In most cases, these roles are based on statutory authority. In others, they are based on policy actions that are not enshrined in statute.

### Legislative Activity and Agency Roles

Congress most recently created a new federal agency devoted specifically to elections in 2002, when it enacted HAVA and established the EAC. Since that time, Congress has also amended federal elections statutes that affect specific agency authorities. These include, for example, 2023 FECA amendments (P.L. 118-26) extending authority for the FEC’s Administrative Fine Program; and 2009 UOCAVA amendments (P.L. 111-84) requiring FVAP to develop online portals to inform covered voters about registration and balloting procedures.

Occasionally, Congress has assigned specific elections-related tasks to agencies whose traditional roles are not focused on elections. Since the 2016 election cycle, for example, Congress has enacted provisions requiring intelligence or law-enforcement advisories or assessments related to foreign interference in U.S. elections (see, for example, requirements codified in 50 U.S.C. §3371).

Policy changes—rather than, or in addition to, statutory ones—can also affect the federal role in campaigns and elections. Non-statutory policy changes might include, for example,

- executive orders that could affect federal responsibilities;
- agency reorganizations or staffing decisions affecting elections roles; and
- agency enforcement decisions that emphasize or de-emphasize certain elections statutes or activities.

In addition, appropriations activity can affect federal funding to assist states with election administration. Appropriations activity can also affect federal-agency resources to conduct duties related to campaigns or elections.

Even without changes in permanent law, the implications of policy actions can be substantial for affected agencies, regulated entities, or voters. Because they are not typically codified in law, however, such changes are potentially temporary and subject to change with new presidential administrations, agency leadership, appropriations priorities, or other emerging developments.

If Congress chose to make temporary policy actions permanent, to prohibit them, or some combination of the two, it could do so through statute. Congress could also require reporting about temporary provisions, either relying on statute or through other oversight activities.

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**R. Sam Garrett**, Specialist in American National Government

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