



# Congressional Authority Over Elections: Key Constitutional Provisions, Federal Statutes, and Supreme Court Rulings

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The Elections Clause of the U.S. Constitution ([Article I, Section 4, Clause 1](#)) confers upon the states the initial and principal authority to administer “the times, places and manner” of congressional elections within their jurisdictions. As a result of this decentralized authority, [states](#) vary in how they administer such elections. At the same time, the Elections Clause provides Congress with the power to “make or alter” rules regulating congressional elections, which the Supreme Court has described as an “[override](#)” authority. Under that authority, Congress has enacted statutes, such as the [Help America Vote Act](#) of 2002 and the [National Voter Registration Act](#) of 1993, discussed below, that regulate aspects of congressional elections. For presidential elections, [Article II, Section 1, Clause 4](#) of the Constitution provides that Congress may determine the “time” of choosing presidential electors and the day the electors shall cast their votes.

The Constitution does not provide Congress with general regulatory authority over state and local elections but does grant Congress regulatory authority in specific contexts. For instance, the Spending Clause of the Constitution ([Article I, Section 8, Clause 1](#)) authorizes Congress to [condition](#) the receipt of federal funds for state or local [elections](#) on compliance with federal requirements. The [Fifteenth Amendment](#) prohibits the denial or abridgement of the right to vote based on race or color and provides Congress with the authority to enforce the Amendment through legislation. Invoking that authority in 1965, Congress enacted the [Voting Rights Act](#) to achieve the Fifteenth Amendment’s goal of bringing “an end to the [denial](#) of the right to vote based on race.”

This In Focus provides an overview of the legal framework for congressional authority over [elections](#) with lists and brief descriptions of key constitutional provisions and federal statutes. In some instances, as identified below, Supreme Court and lower court decisions have significantly shaped the contours and applicability of laws enacted by Congress.

## Key Constitutional Provisions

- [Article I, Section 2, Clause 1](#) requires that the House of Representatives be composed of Members chosen every two years by voters in each state and that the voters have the same qualifications that are required for the electors of the largest chamber of the state legislature.
- [Article I, Section 4, Clause 1](#) (Elections Clause) provides that the “times, places and manner” of congressional elections be prescribed by each state legislature but authorizes Congress to “make or alter” such laws.
- [Article I, Section 8, Clause 1](#) (Spending Clause) authorizes Congress to spend federal funds “to provide for the common defense and general welfare of the United States.”

- [Article I, Section 8, Clause 18](#) (Necessary and Proper Clause) authorizes Congress to make laws that are “necessary and proper” for executing other constitutional powers.
- [Article II, Section 1, Clause 2](#) (Electors Clause) requires each state to appoint electors for the President and Vice President in the manner directed by the state legislature.
- [Article II, Section 1, Clause 4](#) authorizes Congress to determine the day that the states choose their presidential and vice-presidential electors and the day that the electors vote, which must be the same day throughout the United States.
- The [First Amendment](#) prohibits Congress from enacting laws that abridge freedom of speech or association, among other prohibitions.
- The [Twelfth Amendment](#) requires the presidential and vice-presidential electors to meet and vote in their respective states.
- The [Fourteenth Amendment](#) prohibits states from making or enforcing laws that deny to anyone within their jurisdiction equal protection under the law; requires the House of Representatives to be apportioned among the states consistent with their respective populations; and authorizes Congress to enforce the Amendment through legislation.
- The [Fifteenth Amendment](#) prohibits the denial or abridgement of voting rights based on race or color and authorizes Congress to enforce the Amendment through legislation.
- The [Nineteenth Amendment](#) prohibits the denial or abridgement of voting rights based on sex and authorizes Congress to enforce the Amendment through legislation.
- The [Twenty-Third Amendment](#) requires the District of Columbia to appoint, as directed by Congress, presidential electors, and authorizes Congress to enforce the Amendment through legislation.
- The [Twenty-Fourth Amendment](#) prohibits poll taxes in federal elections and authorizes Congress to enforce the Amendment through legislation.
- The [Twenty-Sixth Amendment](#), for citizens 18 years of age or older, prohibits the denial or abridgement of voting rights based on age and authorizes Congress to enforce the Amendment through legislation.

## Key Federal Statutes

- The [Civil Rights Act of 1960 \(CRA\)](#) requires state election officers to preserve voting records for 22 months and, upon written [demand](#) by the Attorney General, directs state election officers to provide such records to the Attorney General for inspection and copying.

- **Election Day Statutes** establish Election Day, for the [House of Representatives](#), as the first Tuesday following the first Monday in November in even-numbered years; for the [Senate](#), on the same day as the next House election that precedes the expiration of a Senator’s term; and for states to choose [presidential](#) electors, as the Tuesday following the first Monday in November every four years.
  - In *Watson v. Republican National Committee* (2026), the Supreme Court held that the Election Day statutes do not require ballots to be received by Election Day.
- **Select Federal Criminal Statutes** prohibit [noncitizens](#) from voting in federal [elections](#); make it unlawful to [conspire](#) to intimidate anyone who is [voting](#); impose penalties on anyone who by [force](#) willfully injures or intimidates any person from [voting](#), campaigning, or serving as a [poll watcher or election official](#); and prohibit [intimidation](#) to interfere with an individual’s right to vote.
- The **Federal Election Campaign Act (FECA)** regulates federal [campaign financing](#) by [establishing](#) contribution limits, source restrictions, and disclosure and disclaimer requirements; establishes the Federal Election Commission (FEC); sets forth civil and criminal penalties; establishes the [presidential public financing](#) system; and provides the [FEC](#) with civil enforcement authority.
  - In a series of decisions, the Supreme Court has invalidated [several](#) FECA provisions under the First Amendment, including the FECA ban on corporate and labor union independent expenditures in *Citizens United v. FEC* (2010) and the FECA aggregate contribution limits in *McCutcheon v. FEC* (2014).
  - Most recently, in *National Republican Senatorial Committee v. FEC* (2026), the Supreme Court invalidated the FECA limits on a political party’s campaign spending in coordination with candidates.
- The **Help America Vote Act (HAVA)** establishes requirements for state [administration](#) of federal elections, including relating to the removal of registrants from federal election voter rolls, and authorizes federal funding; [establishes](#) the Election Assistance Commission (EAC); provides the Attorney General with certain enforcement authorities; and, as amended by the [Confirmation of Congressional Observer Access Act of 2024](#) (COCOA), requires states to permit congressional election observers access to observe the administration of federal elections.
- The **National Voter Registration Act (NVRA)**, also known as “**Motor Voter**,” requires states to provide for mail-in voter registration and to establish voter registration procedures for eligible citizens at motor vehicle departments and at certain other state agencies; sets forth requirements for states in maintaining their voter rolls; provides criminal penalties for intimidating any person for registering or voting, or defrauding the residents of a state of a fair and impartial election; provides the Attorney General with enforcement authority; and establishes a private right of action for persons aggrieved by violations to file lawsuits in federal court.
- The **Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)** requires states to permit [military and overseas](#) voters to register and obtain absentee ballots; requires state election officials to send absentee ballots to such voters at least 45 days prior to an election; and provides the Attorney General with enforcement authority.
- The **Voting Accessibility for the Elderly and Handicapped Act (VAEHA)** requires states to ensure that polling places are accessible; provides the Attorney General with enforcement authority; and establishes a private right of action for persons aggrieved by noncompliance to file lawsuits in federal court.
- The **Voting Rights Act (VRA)** [prohibits](#) states and localities from applying discriminatory procedures in voting based on race, color, or membership in certain language minority groups; requires bilingual election materials in certain jurisdictions; authorizes the [Department of Justice](#) to appoint, and federal courts to order, election observers; criminalizes several acts, including fraudulent voting and voting more than once in the same election; and provides the Attorney General with enforcement authority.
  - Although most courts have [assumed](#) that the VRA’s Section 2 prohibition on discriminatory procedures [establishes](#) a private right of action, the U.S. Court of Appeals for the Eighth Circuit [ruled](#) in 2023 that Section 2 does not confer such a right.
  - In *Shelby County v. Holder* (2013), the Supreme Court [invalidated](#) the VRA’s coverage formula that identified states and localities that were required to obtain federal government approval before implementing a change to a voting law or practice, known as preclearance.
  - In *Brnovich v. Democratic National Committee* (2021), the Supreme Court [interpreted](#) Section 2 of the VRA in the context of state election administration laws, holding that Section 2 requires voting to be “‘equally open’ to minority and non-minority groups alike” and establishing “certain guideposts” for courts to consider in ascertaining violations.
  - In *Louisiana v. Callais* (2026), the Supreme Court significantly [narrowed](#) the circumstances under which a racial vote dilution challenge to a redistricting map can be made under Section 2 of the VRA, holding that violations require evidence supporting “a strong inference” that a state intentionally created a redistricting map that provides minority voters with less opportunity to elect preferred candidates.

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