



Federal Role in Elections Policy: Selected Recent Developments

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More than 20 federal agencies play roles in federal campaigns and elections policy. Many of those roles are based primarily in statutory authority granted by Congress. Policy actions, such as executive orders (EOs) and rulemakings, also can affect agency roles. This CRS In Focus discusses selected developments in federal agency activity during the 2026 election cycle. CRS products linked below provide additional information on some topics. This In Focus does not contain legal analysis. Another CRS product addresses recent Supreme Court activity.

The developments discussed below have produced varying responses, ranging from support to opposition from Members of Congress and from elections officials. Discussion of those competing perspectives is beyond the scope of this product. Some actions have been halted for 2026 by litigation. Regardless

of how short-term questions about agency activities are resolved, understanding the scope of those activities could be relevant over the longer term as Members consider legislation or oversight related to federal roles in campaigns and elections—including for the 2028 cycle.

Selected Executive Orders

Two executive orders (EOs) issued during the 2026 election cycle specify agency priorities or expanded agency roles regarding elections. Neither EO has been fully implemented; both have been subject to litigation. Table 1 and Table 2 summarize selected agency roles specified in EO 14248, published in the *Federal Register* on March 28, 2025; and in EO 14399, published in the *Federal Register* on April 3, 2026.

Table 1. Selected Agency Roles Specified in EO 14248

Primary Agency	Selected Roles and Other Agencies
Election Assistance Commission (EAC)	Require documentary proof of citizenship on national mail registration form; condition federal funding on accepting federal form consistent with proof-of-citizenship requirement; update Voluntary Voting System Guidelines (VMSG) 2.0 and, if appropriate, recertify voting systems; condition federal funding on uniform election-day receipt date for absentee ballots
Department of Homeland Security (DHS)	In consultation with Department of Government Efficiency (DOGE), review state voter registration records; with EAC, report on election system security; with Federal Emergency Management Agency (FEMA), prioritize funding based on VMSG compliance; consistent with law, ensure state and local access to citizenship data
Department of Justice (DOJ)	Prioritize certain enforcement actions; enter into information-sharing agreements with state election officials for enforcement; in consultation with Treasury Department, prioritize enforcement regarding Federal Election Campaign Act (FECA) foreign-national prohibition
Social Security Administration (SSA)	Assist states in verifying voter eligibility
Department of Defense (DOD, operating under Department of War designation)	Update Federal Post Card Application (FPCA) to require documentary proof of citizenship for Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters

Source: CRS analysis of EO 14248 text.

Table 2. Selected Agency Roles Specified in EO 14399

Primary Agency	Selected Roles and Other Agencies
Department of Homeland Security (DHS)	Through the Director of U.S. Citizenship and Immigration Services (USCIS) and in coordination with the Social Security Administration (SSA) Commissioner, send to state chief election officials a list (State Citizenship List) of U.S. citizens who will be at least 18 years old by the time of the next federal election and who maintain residence in the state; establish procedures for individuals to access their State Citizenship List data and for states to suggest modifications; coordinate with Postmaster General, SSA Commissioner, and Commerce Secretary regarding EO implementation
Department of Justice (DOJ)	Prioritize certain enforcement actions; through Attorney General and agency heads, ensure compliance with EO, including by withholding federal funds in specified circumstances
U.S. Postal Service (USPS)	Through the Postmaster General, initiate rulemaking regarding mail-in or absentee ballots; coordinate with USPS Inspector General and DOJ regarding election-mail enforcement

Source: CRS analysis of EO 14399 text.

USPS Ballot Mail Rulemaking

Pursuant to EO 14399, USPS [published a final rule in the *Federal Register*](#) on August 26, 2026. The rule specifies [various requirements](#), affecting both USPS and election officials, for postal mail to carry outbound ballots for federal general elections. On September 14, 2026, the U.S. Supreme Court denied the government’s application for a [stay](#) of a district court’s injunction, thereby precluding implementation of the rule for the 2026 elections.

Selected Other Agency Developments

Several other developments, some of which are noted below, have occurred during the 2026 election cycle. This section does not address all actions that might affect campaigns or elections.

- As of this writing, the [EAC](#) and the [Federal Election Commission \(FEC\)](#) are currently unable to take certain policy actions due to a loss of their policymaking quorums. No EAC commissioners are currently in office. Two FEC commissioners are currently in office. [Two FEC nominations](#) are pending in the Senate.
- On September 4, 2026, the Supreme Court [issued a stay](#) that permitted Federal Communications Commission (FCC) [guidance](#) regarding political party access to advertising time purchased as [coordinated expenditures](#) under the lowest unit charge to take effect for the 2026 elections.
- [DOJ and DHS](#) are conducting or have conducted joint investigations and enforcement actions related to alleged voter fraud or alleged federal voting by noncitizens. DOJ also has demanded state voter-roll data and has [brought suit](#) in some cases.
- There were some [reports](#) of federal law enforcement agents appearing at polling places during 2026 primary elections. DHS Secretary Mullin [reportedly stated](#) on September 1, 2026, that agency personnel could respond to polling places for “specific threats” or to serve warrants. U.S. Immigration and Customs Enforcement (ICE) [reportedly](#) is not planning operations targeting polling places. In response to a Senator’s inquiry, the Chairman of the Joint Chiefs of Staff wrote that the [“Joint Force has no plans”](#) to send military personnel to polling places or to seize election equipment or material.
- In July 2026, [DHS announced](#) that FEMA would withhold 20% of Homeland Security Grant Program (HSGP) funding unless states took several actions related to election administration, including relying on the USCIS Systematic Alien Verification for Entitlements (SAVE) database to verify citizenship status of those on state voter rolls. [Conditions on election security funding](#) have been subject to litigation.
- The DHS Cybersecurity and Infrastructure Security Agency (CISA) [reportedly](#) began curtailing elections [services](#) to states in early 2025. As of September 2026, CISA [reportedly](#) plans to offer additional consultations to state and local elections officials ahead of the general elections.
- Federal agencies including [DHS](#), [DOJ](#), and elements of the [intelligence community reportedly](#) have been

involved in investigations regarding election equipment, ballots, or both. Another CRS product discusses [federal investigations and seizures of voting records](#).

- DOJ reportedly plans to send “[approximately 1,000](#)” personnel to observe polling places during the general election. DOJ also conducted other observing or monitoring activity during the [2026 primaries](#).

Legislative Activity and Potential Policy Considerations

Much of the recent agency activity discussed above is a result of executive branch policy activity (particularly EOs and rulemakings) rather than enactment of new legislation. The 119th Congress has not significantly amended federal election law. A provision in the FY2026 National Defense Authorization Act (NDAA; [P.L. 119-60](#)) requires the EAC to provide for penetration testing as part [the voting system testing and certification program](#).

If Congress determines that additional statutory provisions concerning agency roles are desirable, the House and Senate could amend federal elections (or other) statutes accordingly. Congress could also prohibit or modify particular agency roles or activities, or alter the way in which agencies interact with states or regulated entities. For example, the House has passed versions of the [Safeguard American Voter Eligibility \(SAVE America Act\)](#) as an amendment to [S. 1383](#) (see also, e.g., [H.R. 7008](#); [H.R. 8595](#); [H.R. 8800](#); and [H.R. 22](#)). Some provisions in those bills address DHS and EAC roles in ways that are similar to provisions in the EOs discussed above. The House also has passed legislation ([H.R. 8738](#)) concerning [campaign finance](#) filing requirements that could affect FEC processes. Other legislation, which has not substantially advanced beyond introduction, proposes prohibitions on, for example, federal agencies providing funds to certain entities for [voter registration](#) activities (e.g., [H.R. 7300](#)). Other bills propose creating new agencies altogether (e.g., [S. 5183](#)) or would require specific congressional approval for certain agency actions (e.g., [S. 4845](#)).

Congress also could influence agency activity through appropriations. For example, some Members of the [House](#) and of the [Senate](#) have [raised concerns](#) about changes in CISA and related elections staffing and appropriations provisions. An [explanatory statement](#) accompanying the [FY2026 homeland security appropriations law \(P.L. 119-86\)](#) provides for CISA to continue some elections services, including for the Elections Infrastructure Information Sharing Analysis Center (EI-ISAC).

Congressional committees or individual Members of Congress also could choose to pursue oversight regarding particular agencies or actions. Some Members of Congress have requested agency officials to [provide briefings](#) related to elections, [urged](#) agency officials to take or not take specific actions, [requested information from states](#) about compliance with election law or interaction with federal agencies, or [stated](#) that they will take legislative action to prevent potential agency actions. Some Members also have [requested](#) information from agency officials in response to [whistleblower complaints](#) or requested agency [inspector general \(IG\)](#) or [Government Accountability Office \(GAO\)](#) investigations related to agency elections activities.

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