



Bipartisan Policy Center

Options for U.S. Federal Involvement in Elections

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INTRODUCTION

Amid growing threats to election infrastructure and increased complexity administering elections, legislators have an opportunity to reassess how the federal government helps state and local officials ensure secure, accessible, and trusted elections. Over the past few decades, the federal government has acted to protect elections from malign foreign actors, passed legislation to change state-voter registration processes, and established the first federal agency solely devoted to election administration. The federal government's role in election infrastructure is at an inflection point that warrants reevaluation to better prepare for the challenges to come.

There is no framework for the federal government's current or future role in U.S. elections—nor any assessment of needs and opportunities as a basis for making strategic choices and securing optimal impact. The scope and mission of each agency, commission, committee, and department are **highly fragmented** among entities and from federal to state levels. The result is that the sum of all the independent and often isolated parts fails to function as a cohesive whole.

Forward-thinking policy and structural reform in elections could mitigate partisan-motivated decision-making and eliminate the **stopgap mentality** common in election legislation. At the same time, the role of the federal government in elections is contentious. Legislators and other federal policy-makers face an opportunity to affirm the resilience of U.S. election infrastructure for future generations by determining whether to continue the trend of increased federal involvement, break the trend and decrease federal involvement, or strive to maintain the current level of federal involvement.

This report lays out several options for federal involvement in elections and describes the security, accessibility, and trust trade-offs of each option. The Bipartisan Policy Center consulted with more than 40 election stakeholders in the creation of this report, including representatives from federal agencies, state and local election offices, nonprofit election groups, academic researchers, and philanthropic organizations.

WHAT IS THE CURRENT ROLE OF THE FEDERAL GOVERNMENT IN ELECTIONS?

To date, federal involvement in elections has been limited and distributed across a complex network of agencies, committees, bureaus, departments, and institutes. [BPC's July 2023 explainer](#) describes each federal entity involved in elections along with the overlap and collaboration among agencies.

The main categories of federal involvement have been promoting access to voting and bolstering election security. The primary federal entities involved in voting accessibility include: the Election Assistance Commission (EAC), the National Institute of Standards and Technology (NIST), the Federal Voting Assistance Program (FVAP), the U.S. Access Board, and the Office of Evaluation Sciences. The EAC, the Cybersecurity and Infrastructure Security Agency (CISA), and the FBI have all been involved to promote cybersecurity and physical security of election infrastructure.

Funding and dissemination of best practices are two other critical federal functions. The House and Senate Appropriations Committees allocate federal funding for election security, which goes through the EAC for distribution to states. The EAC also serves as a clearinghouse for election-administration best practices, a function of critical importance in a decentralized election system.

Federal courts have historically not been as involved in shaping election policy, but they do make determinations of law that impact state and local election offices, particularly through adjudication on redistricting and election disputes. In 2022, the Supreme Court [ruled](#) to reject the [independent state legislature theory](#) in *Moore v. Harper*, which would have allowed state legislatures to enact election procedures for federal contests inconsistent with their state constitutions.

Despite an increased volume of federal involvement in elections, no comprehensive federal standards for election administration have been attempted since the passage of the Help America Vote Act in 2002, making most federal involvement complementary and peripheral to the actual election administration processes occurring at the state and local level.

HOW HAS FEDERAL INVOLVEMENT IN ELECTIONS CHANGED OVER THE PAST 20 YEARS?

Over the past few decades there has been a [clear pattern](#) of increased federal involvement in elections. In 2002, Congress passed [the Help America Vote Act \(HAVA\)](#), which established the [Election Assistance Commission](#). In 2017, then-Department of Homeland Security Secretary Jeh Johnson [designated](#) elections as critical infrastructure, and CISA expanded its purview to include election security. In 2021, the DOJ [established](#) an Election Threats Task Force to address the rise in threats against election workers, administrators, officials, and others associated with the electoral process.

With more federal entities involved in elections, the delineation of agencies' scope and mission between agencies has become muddled, with multiple agencies operating with similar purviews. Expanded interagency collaboration is one way to address the duplication of scope. EAC's four advisory boards incorporate members from other government agencies, nonprofits, associations, and election officials; CISA has championed both public and private sector collaborative councils; and DOJ's task force on elections strives to bridge work between law enforcement, legal authorities, and election officials.

Despite attempts at coordination among agencies, state and federal stakeholders still debate the role each entity should play in elections, and no cohesive, common strategy exists to guide fragmented federal involvement.

One example that captures the debate over federal involvement is the division of responsibilities between the EAC and CISA. [Some experts](#) have called for responsibilities currently within the purview of the EAC, such as voluntary voting systems guidelines (VVSG) and certification of voting technology, to be moved to CISA, which has more technical expertise. This transfer of responsibilities could be problematic because, unlike the EAC, CISA is not an independent federal agency. Rather, CISA's directives might be susceptible to political incentives, as CISA is housed within the Department of Homeland Security, a federal agency led by a presidential appointee. The EAC is insulated from partisan decision-making thanks to its evenly divided bipartisan board of commissioners.

HOW IS FEDERAL INVOLVEMENT IN ELECTIONS DECIDED?

Congressional action, presidential directives, and federal court cases all factor into federal involvement in elections. The U.S. Constitution affords the federal government a unique role in shaping election policy: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress

may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.”

Several landmark federal laws shape the current involvement of the federal government in elections: the Civil Rights Act, the Voting Rights Act, the Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, and the Help America Vote Act, to name a few. These laws set minimum compliance standards for states with regards to who can vote, how to maintain voter lists, and what technology may be used to vote.

The bureaucracy and incentives of the federal government make its election policy reactionary and slow-moving. For example, the DOJ task force on threats to election workers formed after [a slew of threats and harassment](#) to election workers surrounding the 2020 election. CISA’s engagement in elections developed in response to [the foreign malign influence](#) in the 2016 election.

Some state and federal legislators posit that federal involvement in elections could undermine states’ constitutionally enshrined responsibility over elections. The establishment of the EAC brought on a [barrage of criticism](#) that the government was getting overly involved in a state and local responsibility.

Too much federal involvement in elections could compromise the autonomy of states to decide their own election policy and procedures. The decentralized patchwork of state policies is fundamental to the design of U.S. elections, and many argue that more federal involvement would hamstring states into changing policies that work for their voters.

WHAT ARE POSSIBLE AVENUES FOR FEDERAL INVOLVEMENT IN THE FUTURE?

Below are three possible avenues for federal involvement in elections. BPC does not endorse any one option but has laid these out as a framework for considering the security, accessibility, and trust implications of varying degrees of federal involvement in elections.

We evaluated each option for federal involvement based on three criteria: security, accessibility, and trust. We used definitions of each of these terms from the EAC, CISA, and MIT’s Election Data Science Lab and have compiled the resulting definitions below.

Security: the actions involved to protect election infrastructure, including voter registration databases and associated IT systems, IT infrastructure and systems used to manage elections (such as the counting, auditing, and displaying of election results, and post-election reporting to certify and validate results), voting systems and associated infrastructure, storage facilities for election and voting system infrastructure, polling places (to include early

voting locations), and the individuals who conduct and administer elections.

Accessibility: the practice of making sure voting is reachable, usable, and understandable to as many individuals as possible. This includes particular focus on marginalized communities, individuals with disabilities, and those who speak languages other than English.

Trust: the belief that the election process is fair and accurate. In a [2022 essay](#), MIT’s Kenan Sahin Distinguished Professor of Political Science Charles Stewart III framed public trust as “the psychological construct that describes the conclusion reached by the public about the functioning of the process.” Trust in elections derives from the election’s overall performance and accuracy but is also influenced by numerous other factors, “notably: direct observation of the process, hearsay from friends and neighbors, and interpretations of the trustworthiness of the election as communicated by the media and political elites.”

	Security	Accessibility	Trust
Decreased federal involvement in elections	Decrease	Decrease	Mixed impact
No change in federal involvement in elections	Mixed impact	Mixed impact	Mixed impact
Increased federal involvement in elections	Increase	Increase	Mixed impact

Option 1: Decreasing Federal Involvement in Elections

Decreasing federal involvement could mean capping or decreasing the size and funding of the EAC, rolling back federal election legislation, diminishing or eliminating federal funding for elections, or repealing the designation of elections as critical infrastructure, thus eliminating CISA’s involvement in elections entirely.

This option would allow for more autonomy and flexibility by states and less federal regulation. Decreasing federal involvement in elections could have outsized impacts on small, rural counties that do not have the resources or support to defend themselves against malign actors without physical and cybersecurity support.

One of the reasons for CISA’s involvement in elections is to support election offices in dealing with foreign cyber threats. CISA’s information-sharing and collaboration mechanisms allow rapid response to foreign cyber threats that may impact multiple states and jurisdictions. More state autonomy in responding to cyber threats may leave certain states or municipalities vulnerable to increased attacks.

This option would maintain that [“elections are strictly a state matter.”](#) It places the burden on states to pass election reform and address resourcing issues. This could improve states’ abilities to innovate and curate voting systems to their voters’ needs. It also limits the potential for political interference, as state autonomy serves as a check against executive overreach, particularly when action is being taken by an agency led by a presidential appointee; however, the same could be said of federal regulation serving as a check against politically motivated or otherwise nefarious state activity.

Security, Accessibility, and Trust Evaluation:

- **Security:** Without proper investment, this option has the potential to decrease security in election offices. Aging technology continues to be a risk to the security of elections in the United States, and cash-strapped jurisdictions do not have the resources to invest in modern, secure technologies. Scaling back federal involvement could have damaging impacts on jurisdictions without the budget or capacity to make necessary security improvements.
- **Accessibility:** Decreased federal involvement in elections would leave it up to states to make sure that voting is accessible, usable, and understandable, which, many argue, is the job of states. Vast differences in election laws make accessibility uneven across states. Thus, decreased federal involvement in elections could decrease accessibility. On the other hand, a one-size-fits-all approach to accessibility makes it harder for state and local officials to tailor a voting system to each constituency’s unique needs and voting behaviors; lengthy in-person early voting options, for example, may be an unnecessary expenditure of limited resources in small or universal vote-by-mail jurisdictions.
- **Trust:** A [recent BPC study](#) found that voters who rely on local messengers (such as their local election official) exhibit higher trust in election outcomes, and that voters exhibit higher trust in vote-count accuracy in their local community than at the national level. Because voters exhibit higher trust closer to home, a decrease in federal involvement in elections could in theory have a positive correlation to trust, but only if state and local election offices make a concerted effort to communicate with their voters. Less federal involvement would likely exacerbate existing differences in states’ approaches to election administration; while trust in voters’ own states might grow as a result, voters would likely be less trustful of other states that operate elections differently. Additionally, given the increasingly polarized and partisan nature of election administration (with distinct “blue” and “red” styles of election administration), distrust in other states’ operations would aggravate existing partisan divisions on election administration.

Option 2: Maintaining Current Levels of Federal Involvement in Elections

Maintaining the current level of federal involvement in elections could mean preserving the vast array of federal actors supporting state and local election jurisdictions. This option could also mean that the current structure of the federal landscape stays the same but measures are taken to improve the effectiveness of federal involvement in elections.

Keeping federal involvement as it exists today risks stagnating the progress of the federal government in elections. Election infrastructure faces increasingly sophisticated threats that state and local offices may not be equipped to handle. This option cements the reactionary nature of the federal government in elections and does not allow states to rely on regular or consistent funding, resources, or support.

In contrast, the structure of federal involvement could remain the same, but interagency communication and collaboration could be bolstered to optimize effectiveness. This could look like one agency hosting a regular meeting of federal stakeholders, several agencies sharing responsibility for convening federal stakeholders, or outside nonprofits organizing regular information-sharing sessions for federal stakeholders.

One option for improved effectiveness would be conducting an impact evaluation to inform the effectiveness of federal agencies involved in elections. That said, federal laws like the [Paperwork Reduction Act](#) make even impact evaluation complicated for agencies like the EAC, as administrative hurdles make creating and obtaining approval for any public-facing surveys or other feedback mechanisms time-intensive and cumbersome.

One possible solution would be to engage the [Office of Evaluation Science](#), an interdisciplinary team that works across the federal government to help agencies design and conduct evaluations of existing programs and evidence-based program changes, to conduct an impact evaluation of several federal agencies involved in elections. That said, even if the federal election landscape could coordinate to conduct an impact evaluation, any underperformance revealed would be hard to address without increasing involvement.

Security, Accessibility, and Trust Evaluation:

- **Security:** The levels of election security would stay the same in this option. Some argue that the decentralized nature of election infrastructure in the U.S. contributes to security because foreign malign actors have a harder time infiltrating systems that vary drastically by state or locality, and any successful attack is limited in scope to the specific jurisdiction in question. At the same time, decentralization means that not every state and local election jurisdiction has sufficient resources to invest in its individual security, creating pockets of risk throughout the nation. CISA's [existing security resources](#) help scale security resources

to jurisdictions nationwide, but uptake of CISA's resources is voluntary and, thus, limited to the jurisdictions that utilize them.

- **Accessibility:** Existing accessibility protections created by HAVA, VRA, NVRA, and UOCAVA would remain in place. Any additional best practice [created by the EAC](#) will have limited impact if jurisdictions are not required or incentivized to comply. Maintaining the current level of federal involvement in elections would neither increase nor decrease accessibility, unless federal entities came together to create more guidelines around accessibility.
- **Trust:** It is unclear how the current level of federal involvement impacts public trust in elections. The siloed, fragmented composition of the federal election landscape makes any coordinated federal approach complicated and slow; thus, it falls upon states to educate voters and improve public confidence in elections. In 2020, CISA, the FBI, and the Office of the Director of National Intelligence issued [a joint statement](#) about election cybersecurity. Federal agencies banding together to release a document is rare, and shows the potential for a coordinated federal response in times of a crisis, but it is a deviation from the norm. State and local election offices are left largely alone to reassure voters in the face of rising cyber and physical security threats.

Option 3: Increasing Federal Involvement in Elections

An increase in federal involvement in elections could mean increased resources such as funding, voluntary programs, and support from the federal government to states. This option could also include legislation with national election standards or required data-sharing for voter registration information. Each option would likely entail additional standardization across all election jurisdictions.

Federal funding and national standardization of elections could improve transparency and accessibility by encouraging states to conform to the same set of standards; however, standardization may undermine state autonomy and cause criticism about federal overreach. Comprehensive federal requirements would take a long time to create and implement, and voters who are used to voting one way would have to adjust. Mandates from the federal government could fuel retaliation from states and sour the relationships that currently exist between federal and state election stakeholders. This may mean an increase in litigation contesting federal election laws.

[Our research shows](#) that trust is highest at the local and state level. Increased federal regulation of elections could risk making elections feel less personal, subjecting the current level of trust seen at the local and state level to the distrust voters have farther from home.

Consistent and reliable federal funding would make state and local election budgeting easier because states would have proper funding to invest in technology and staffing. Federal funding could fill critical gaps in election funding that state and local budgets do not have capacity to fill. On the flip side, if the federal government were to allocate predictable federal funding, states could become reliant on it, giving the federal government excess control and curbing states' autonomy and innovation capacity.

Security, Accessibility, and Trust Evaluation:

- **Security:** Increased federal involvement in elections could significantly bolster election security by contributing funding to state and local election offices that do not individually have the resources to bolster their own security. [CISA's physical security assessments](#) have been instrumental in helping election offices implement needed physical security improvements. The U.S. government has whole departments dedicated to monitoring foreign interference in elections and has made strides to improve coordination between these federal agencies and the local jurisdictions. Bolstering that coordination could help close security gaps that exist today. Also, states currently vary in how election equipment is certified, so holding all jurisdictions to a higher, uniform standard could ensure a baseline level of security.
- **Accessibility:** Federal standards for how to vote and who can use convenience methods to vote could increase accessibility across states. Additionally, increased federal funding for election accessibility programs, such as ADA-compliant election facilities, would help cash-strapped jurisdictions implement necessary accessibility measures. With the federal election laws that exist today (HAVA, NVRA, UOCAVA), the federal government has shown an increased interest in ensuring accessible elections. A more coordinated or increased level of involvement in elections could mean a continuation of the trend of accessibility standards nationally.
- **Trust:** Increased federal involvement may also have a positive correlation to trust if election offices have the resources and standardization to improve voting processes and educate the public about the processes involved. The lack of standardization across states makes voter education difficult at the national level and also makes voters distrustful of election systems that do not function like the ones they are used to.

CONCLUSION

The incentive structure of the federal government today emphasizes compliance over innovation, making the creation of proactive, forward-thinking policy a challenge. The ideal role for the federal government in elections is a responsive, collaborative, intentional, and strategic one that centers the needs of state and local election offices.

This report lays out three potential paths forward, but there are myriad ways to structure federal involvement in the long term, and no one option is mutually exclusive. As federal policymakers consider the best way to support elections in the lead-up and aftermath of the 2024 presidential election, intentionality is key. The goal, regardless of party affiliation, is safe, secure, accessible election infrastructure. While every option for federal involvement comes with trade-offs, a lack of coordination and direction serves no one.