

# DEMOCRACY 101: UNDERSTANDING FEDERAL VS. STATE CONTROL OVER ELECTIONS

MAY 2025



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## What is Democracy 101?

With new legislative sessions kicking off in states across the country, MAP's Democracy program is releasing a series of policy briefs focused on educating communities about emerging trends in election and voting-related legislation.

The policies detailed in this series are among the 50+ laws we track in real time with our Democracy Maps, which can be viewed [here](#).

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## Introduction

The United States election system is unique globally due to its decentralized structure. The Constitution gives primary authority over elections to the states, with supplementary authority to Congress. Local jurisdictions handle day-to-day operations like managing polling places and poll workers, creating a patchwork of over 10,000 election jurisdictions nationwide.

This decentralized approach has both strengths and weaknesses. The Constitution's design protects against federal overreach and provides resistance to widespread fraud or manipulation. However, it also allows [significant variation across states](#), resulting in

inconsistencies in voter access and election independence.

The balance between federal standards and control at the state and local level has evolved over time in response to changing circumstances and emerging challenges. As threats to our democratic institutions increase, maintaining this delicate balance is essential. Recent events, particularly the President's executive order on elections, threaten to upend this balance — and threaten our democracy itself — in an unprecedented way. This brief explains the constitutional framework for elections, explores the roles of state and federal authorities, and explains how recent broad assertions of presidential power risk destabilizing our democracy.

# Understanding the Constitutional Division of Power Over Elections

The [Elections Clause](#) of the U.S. Constitution clearly establishes that states have the primary authority over elections, granting them the power to determine the “times, places and manner” of elections. The clause also gives Congress the power to override or alter state regulations when necessary. This balance reflects the federalism inherent in the Constitution, allowing the states to be “laboratories of democracy,” while the national government plays a supervisory role. Importantly, the Constitution gives no explicit authority to the president over elections.

As discussed in more detail below, this balance has evolved over time, primarily through the intervention of the federal government during pivotal times in the country’s history. These interventions include protective legislation to establish minimum standards for election procedures, support for election security, financial assistance, and the establishment of federal agencies that offer guidance for best practices.

Throughout modern U.S. history, the federal government has not intervened in state elections through legislation or executive action in a restrictive manner. Rather, the federal government has typically intervened to

expand voter access and protect against race-based discrimination by the states. That dynamic changed in 2025 with the passage of the [SAVE Act](#) in the U.S. House and the President’s [executive order](#) on elections. Although the SAVE Act is not yet law and the executive order is being challenged, these actions represent an effort to enable the federal government and the current administration to manipulate elections to maintain power, exactly the threat that the Constitution was designed to prevent.

## Federal, State and Local Governments Roles in Election Administration

The federal government’s role in election administration primarily involves setting minimum standards for election procedures, providing funding, and supporting security efforts. States handle most aspects of election administration as granted by the Constitution. These responsibilities include voter registration systems, voting methods, and the various [post-election processes](#).



FIGURE 1: THE TRADITIONAL BALANCE OF GOVERNMENT AUTHORITY OVER ELECTIONS

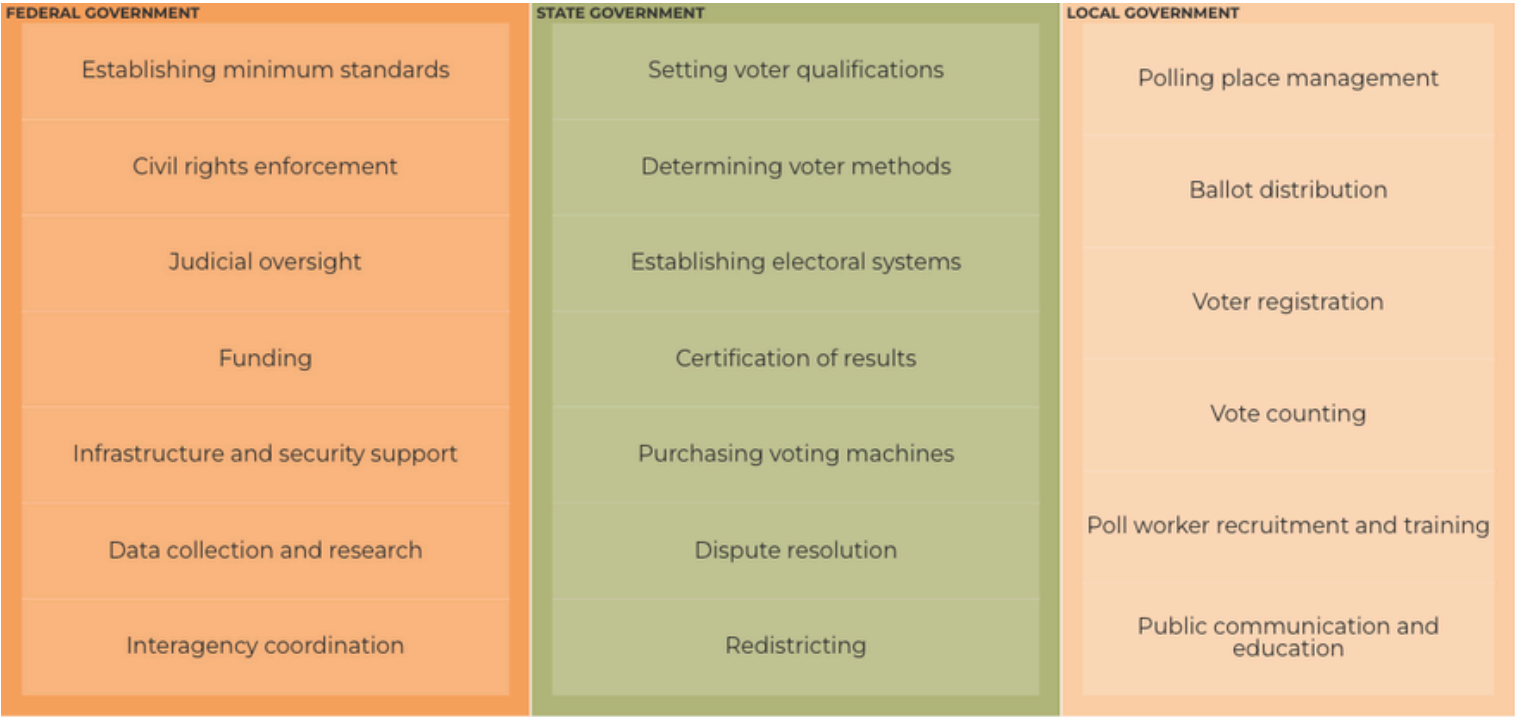
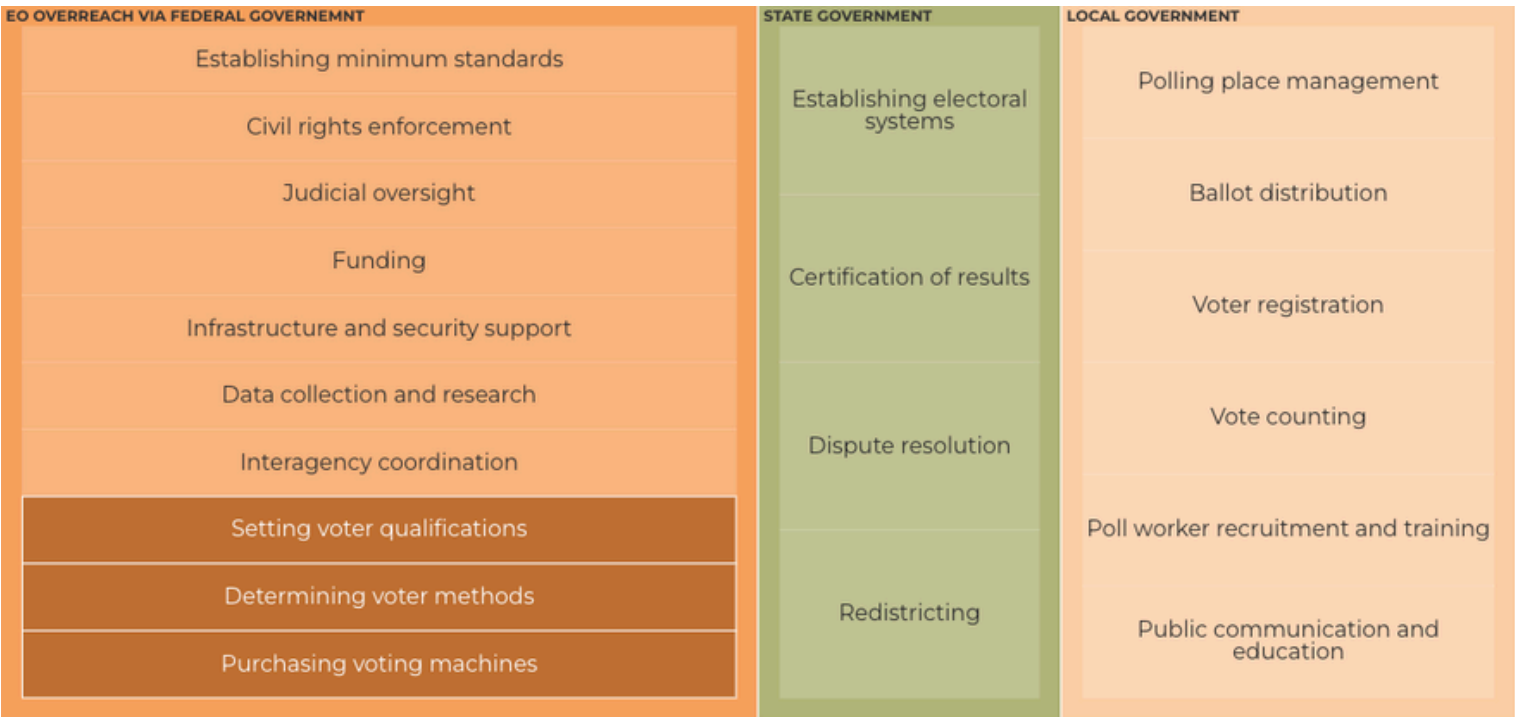


FIGURE 1B: EXECUTIVE ORDER ATTEMPTS TO ALTER BALANCE OF ELECTION AUTHORITY



While states establish and administer these policies, local jurisdictions—most often counties—manage the operation of elections. These localities perform functions like hiring and training poll workers, managing polling places, and providing information to voters (see Figure 1 on the previous page).

This delegation results in numerous variations between state election systems. Some states prioritize policies that increase voter access, such as [automatic voter registration](#), [early](#) and [mail voting](#), and automatic [rights restoration](#). Other states however have used the power over elections to implement restrictive policies, such as strict voter ID laws, restrictions on mail voting, and onerous processes for formerly incarcerated individuals to have their rights restored.

 [View our AVR Democracy Map](#)

 [View our Mail Voting Democracy Map](#)

 [View our Rights Restoration Democracy Map](#)

This variation has led to federal involvement when the balance of power has swung too far towards restrictions on voting rights by the states, as discussed in the next section.

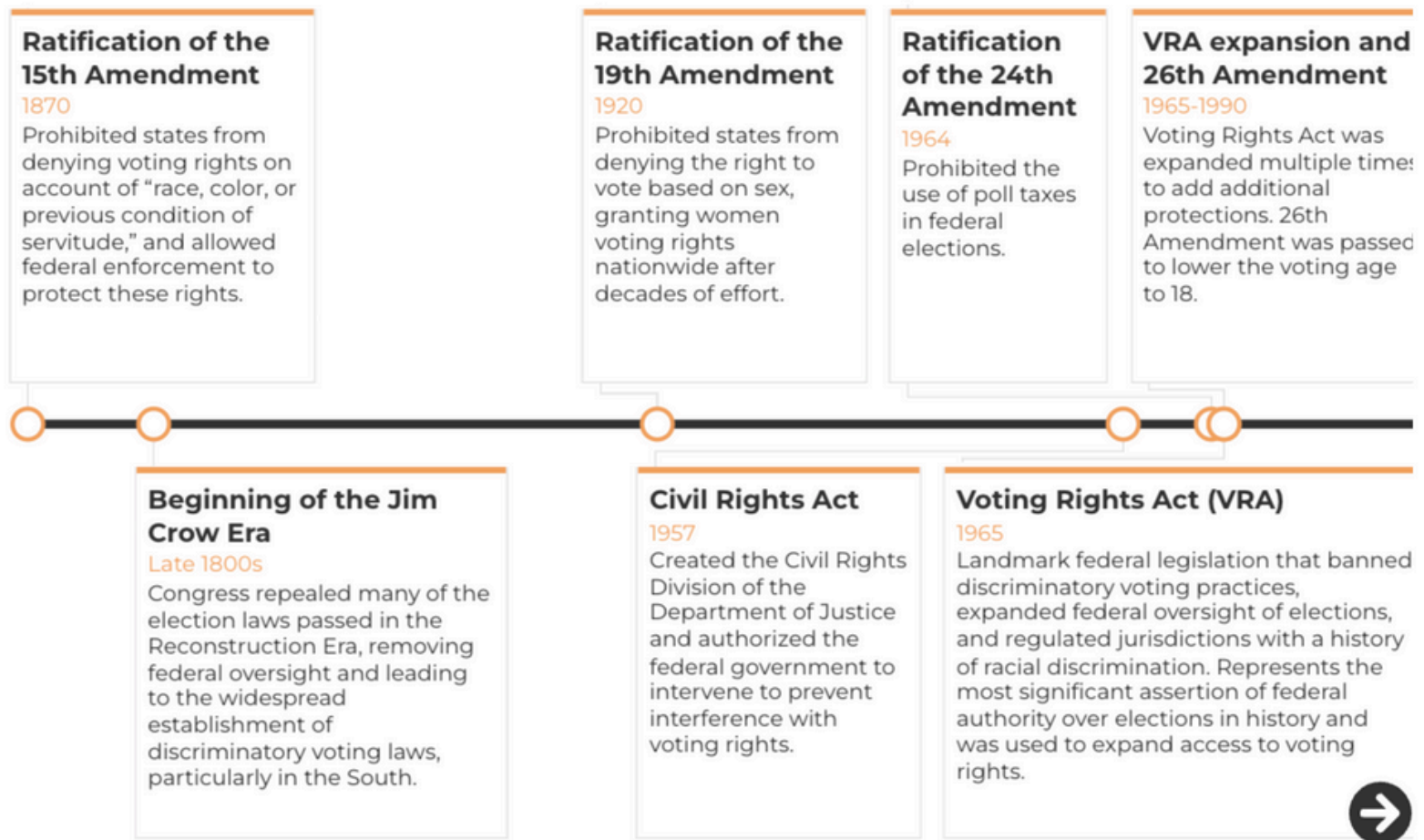
## Tension Between Federal and State Control

Across U.S. history, several flashpoints have highlighted and exacerbated tensions in the balance of power over elections between the federal government and the states (see Figure 2 on the next page). This balance has shifted between periods of state dominance and expanded federal authority, most notably throughout the Civil Rights Era.

These tensions typically center on balancing national standardization versus state variation. Reform advocates often argue for uniform national standards to ensure equal voting access, while opponents emphasize allowing states to innovate and tailor their systems based on specific needs. This dynamic has been reversed with the recent passage of the SAVE Act in the House and the President's executive order, dual efforts which seek to impose draconian restrictions on voter eligibility nationwide in a way that has never been attempted.



**Figure 2. History of Federal vs. State Control Over Elections**



## ***How the Jim Crow Era Disenfranchised Millions of Voters***

The Jim Crow era, spanning roughly from the 1870's through the 1960s, saw the systematic disenfranchisement of Black Americans and other racial minorities through mechanisms designed to prevent these groups from voting. Although discrimination and segregation existed in the North, voting restrictions were more prevalent throughout the Southern states. Examples of these restrictions include [poll taxes](#), which required a fee to vote, disproportionately impacting Black citizens living in poverty. [Literacy tests](#) were also administered, often with deliberately confusing questions, while "grandfather clauses" exempted white voters from these requirements. Many southern states also had [all-white primaries](#), which excluded Black voters from participating in primaries for the Democratic party, often the only competitive elections in those states. In addition, often, outright violence and intimidation were employed against those who attempted to register or vote. These restrictions stripped voting rights from millions of Americans based solely on race; for example, in Mississippi the implementation of Jim Crow laws led to a [decrease in registration rates](#) among Black citizens from 90% to 6% by 1892. Relics of this system still limit access to the ballot box for people today in the form of felony disenfranchisement laws, racial gerrymandering, and voter roll purges.

# Presidential Executive Order on Elections

In March 2025, President Trump issued an executive order, “Preserving and Protecting the Integrity of American Elections.” Unlike previous federal interventions, this order represents an unprecedented federal intrusion into areas traditionally managed by the states. While most significant federal interventions over the past 150 years have focused on expanding and protecting voter access, this order asserts unilateral federal authority over elections and threatens to disenfranchise millions of voters.

While the order is clearly unconstitutional and already faces multiple legal challenges, it represents a dramatic overreach of executive power. It also emboldens states that are inclined to pursue similarly restrictive policies to go further, and indeed state legislative action during this session bears out that fact.

The executive order on elections seeks to force policy changes by directing the Election Assistance Commission (EAC) to undertake certain actions, and coerce states through threats to withhold federal funding. Notable provisions include:

- **Like the SAVE Act, the order attempts to require documentary proof of citizenship for voter registration nationwide** by directing the EAC to change the federal voter registration form. This is despite the

fact that the EAC is an independent agency over which the president holds no power. The order even targets military personnel living abroad with these restrictions as well. These requirements threaten to disenfranchise millions of eligible voters and upend voter registration systems across the country.

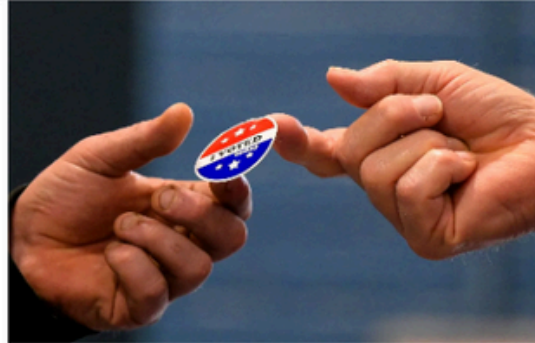
- **Building on recent attacks on mail voting, the order seeks to force states to change their policies that allow ballots postmarked by Election Day to be received after Election Day**, which is currently allowed in 14 states and D.C. The order threatens to withhold federal funds from noncompliant states (which exceeds presidential authority) and directs the Attorney General to take legal action against these states.
- **The executive order also attempts to grant Elon Musk’s “Department of Government Efficiency” (DOGE) full access to voter files** from every state and allow the agency to conduct voter list maintenance activities. This provision endangers voter privacy and threatens to allow faulty purges and false claims of voter fraud.
- **The order also purports to direct the EAC to decertify a wide range of voting machines**, which would require the majority of states to entirely replace their election infrastructure. This directive would impose massive unfunded mandates on states in a time where federal funding for elections is already being reduced.

COMMENTARY OP-ED

## Trump's executive order threatens to undermine American elections

Jonathan Katz and Peter W. Beck  
March 28, 2025

- President Trump's March 25 executive order on American elections is an unprecedented expansion of executive power.
- The executive order cites debunked claims of systemic voter fraud and may disenfranchise voters.
- The executive order's components run contrary to the right to vote, which is fundamental to our democratic system.



A voter receives a sticker after casting his ballot at New Begin Hall during the 2024 U.S. presidential election on Election Day in Gray, Maine, U.S., on November 5, 2024. REUTERS/Faith Ninivaggi

*On April 24, 2025, a federal district court issued an order temporarily pausing the provisions of the executive order related to proof of citizenship requirements. The other provisions of the order remain in effect. Litigation is ongoing.*

Implementation of the order remains in flux while federal agencies prepare guidelines and litigation proceeds. The order is clearly unconstitutional, usurps the authority of Congress and the states, and threatens disenfranchisement for millions of eligible voters, particularly marginalized voters who already face significant barriers to voting.

## Conclusion

The U.S. election system, and our democracy, depends on a delicate balance between federal

and state power over elections. In an ideal system, states administer elections and are able to innovate, while the federal government sets minimum standards, upholds rights and protects against discrimination while providing support and protection against external threats. However, recent legislative proposals like the SAVE Act, and in particular the President's executive order on elections, threaten to entirely destabilize this balance. Maintaining this clear division of authority set out in the Constitution is critical to our system of democratic government.



# ACKNOWLEDGEMENTS

## This report was authored by:

### Movement Advancement Project

MAP's mission is to provide independent and rigorous research, insight, and communications that help speed equality and opportunity for all people. MAP works to ensure that all people have a fair chance to pursue health and happiness, earn a living, take care of the ones they love, be safe in their communities, and participate in civic life.

### Contact Information

#### Movement Advancement Project

1905 15th Street #1097  
Boulder, CO 80306  
1-844-MAP-8800

[www.mapresearch.org](http://www.mapresearch.org)

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