State Legislature Interference in Elections

No updates required since January 4, 2024

Background
Following the 2020 election, partisan actors sought to undermine the will of the voters and pursue a strategy to overturn election results in several states. In 2021, some state legislatures enacted laws that increase the danger of election subversion by giving the legislatures more power to interfere in election administration.

Scoring
- State legislature has enacted law(s) that allow it to seize power over elections, -1 point
- State has no applicable law, 0 points

Summary Table

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
<th>List</th>
</tr>
</thead>
</table>
| State has no applicable law   | 41 states & D.C. | Alabama  
Alaska  
Arizona  
Arkansas  
California  
Colorado  
Connecticut  
Delaware  
D.C.  
Florida  
Georgia  
Hawaii  
Idaho  
Illinois  
Indiana  
Iowa  
Louisiana  
Maine  
Maryland  
Massachusetts  
Michigan  
Minnesota  
Mississippi  
Nebraska  
Nevada  
New Hampshire  
New Jersey  
New Mexico  
New York  
North Carolina                  |
<table>
<thead>
<tr>
<th>State has enacted law(s) to allow legislature to seize power over elections</th>
<th>9 states</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming</td>
<td></td>
</tr>
<tr>
<td>Florida, Georgia, Kansas, Kentucky, Missouri, Montana, Oklahoma, South Carolina, Tennessee</td>
<td></td>
</tr>
</tbody>
</table>
State-by-State Sources and More Detail

Alabama (0)
- State has no applicable law.

Alaska (0)
- State has no applicable law.

Arizona (0)
- State has no applicable law.

Arkansas (0)
- State has no applicable law.

California (0)
- State has no applicable law.

Colorado (0)
- State has no applicable law.

Connecticut (0)
- State has no applicable law.

Delaware (0)
- State has no applicable law.

D.C. (0)
- State has no applicable law.

Florida (-1)
- State enacted [SB 90](https://www.mapreform.org) in 2021, which gives the legislature additional power over election related litigation.

Georgia (-1)
- State enacted [SB 202](https://www.mapreform.org) in 2021, which: 1) removes the Secretary of State as head of the State Election Board and allows to appoint the replacement; 2) allows the legislature to reject emergency election changes enacted by the State Election Board; and 3) allows the State Elections Board to take power over county election authorities.

Hawaii (0)
- State has no applicable law.
Idaho (0)
- State has no applicable law.

Illinois (0)
- State has no applicable law.

Indiana (0)
- State has no applicable law.

Iowa (0)
- State has no applicable law.

Kansas (-1)
- State enacted HB 2332 in 2021, which: 1) limits the power of state courts and the Secretary of State to modify elections laws except with approval of the legislature; and 2) removes power from the Governor to modify elections laws.

Kentucky (-1)
- State enacted SB 1 in 2021, which removes power from the Governor and Secretary of State to modify election laws.

Louisiana (0)
- State has no applicable law.

Maine (0)
- State has no applicable law.

Maryland (0)
- State has no applicable law.

Massachusetts (0)
- State has no applicable law.

Michigan (0)
- State has no applicable law.

Minnesota (0)
- State has no applicable law.
Mississippi (0)
- State has no applicable law.

Missouri (-1)
- State enacted HB 1878 in 2022, which prohibits state officials from entering into legal agreements related to election law and requires legislative leaders to be notified of any such litigation and be allowed to intervene.

Montana (-1)
- State enacted HB 429 in 2021, which removes power from the Governor to modify election laws in cases of emergency and requires approval of the legislature to do so.

Nebraska (0)
- State has no applicable law.

Nevada (0)
- State has no applicable law.

New Hampshire (0)
- State has no applicable law.

New Jersey (0)
- State has no applicable law.

New Mexico (0)
- State has no applicable law.

New York (0)
- State has no applicable law.

North Carolina (0)
- State has no applicable law.

North Dakota (0)
- State has no applicable law.

Ohio (0)
- State has no applicable law.
Oklahoma (-1)

- State enacted SB 523 in 2022, which prohibits any settlement of election related litigation, and gives the legislature the right to intervene in any such litigation. The legislation also limits the emergency powers of the executive and state judicial branch over elections.

Oregon (0)

- State has no applicable law.

Pennsylvania (0)

- State has no applicable law.

Rhode Island (0)

- State has no applicable law.

South Carolina (-1)

- State enacted SB 108 in 2022, which gives the legislature power over the state election commission and also allows the legislature to interfere in election related litigation.

South Dakota (0)

- State has no applicable law.

Tennessee (-1)

- State enacted HB 2483 in 2022, which allows the legislature to interfere in election related litigation.

Texas (0)

- State has no applicable law.

Utah (0)

- State has no applicable law.

Vermont (0)

- State has no applicable law.

Virginia (0)

- State has no applicable law.

Washington (0)

- State has no applicable law.
West Virginia (0)
  • State has no applicable law.

Wisconsin (0)
  • State has no applicable law.

Wyoming (0)
  • State has no applicable law.