Federal Executive Branch Agencies Roles and Responsibilities in United States Elections

IN THE UNITED STATES, states have primary responsibility for the administration of Federal elections. Federal departments and agencies work to:

1. Assist states in protecting the security of our voting systems and related infrastructure;
2. Protect the right to vote;
3. Address unlawful threats of violence and physical harm against election officials and workers;
4. Identify and counter foreign malign influence activities directed at U.S. elections;
5. Combat election fraud and campaign finance violations; and
6. Provide access to relevant information relating to the elections.

The Department of Homeland Security (DHS), the Cybersecurity and Infrastructure Security Agency (CISA), the Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), the United States Postal Inspection Service (USPIS) and the Office of the Director of National Intelligence (ODNI), as the coordinator for the Intelligence Community (IC), lead Federal efforts and play a role in one or more of these activities.

1. Assist States in Protecting the Security of Voting Systems and Related Infrastructure

DHS helps protect the security and resilience of our nation's election infrastructure from both cybersecurity and physical security threats. DHS's CISA, which is charged with securing and protecting our nation's critical infrastructure, works collaboratively with state and local governments, election officials, Federal partners, and vendors to protect the security of the Nation's election infrastructure.

CISA, as the sector risk management agency for election infrastructure subsector, works through voluntary partnerships with state and local election officials to provide no-cost cyber and physical security assessments, guidance, and resources for election offices. These resources include free cybersecurity services, in-person and virtual training offerings, incident response assistance, and security best practice guides to meet evolving threats.

CISA also helps fund, through a cooperative agreement, many functions of the Elections Infrastructure Information Sharing and Analysis Center, which offers state and local election officials a suite of elections-focused cyber defense tools, including threat intelligence products, incident response and forensics, threat and vulnerability monitoring, cybersecurity awareness and training products. CISA's work is informed by the Election Infrastructure Subsector Government Coordinating Council, comprised of state and local election officials, and the Election Infrastructure Sector Coordinating Council, comprised of election vendors. CISA remains transparent and agile in its efforts to support election partners as they prepare for, protect against, and respond to security threats to America's election infrastructure.

The FBI partners closely with CISA to help state and local officials protect their election infrastructure, including against physical and cyber threats, by offering threat briefings and technical assistance to harden the integrity of these election-related systems.

Additionally, the FBI provides advance warning and notice of issues of concern to state and local election officials about cyber threats, provides threat briefings and technical assistance to political parties and campaigns to help them protect the integrity of their communications systems, and responds to identified foreign and criminal threats.

FBI is responsible for investigating and DOJ is responsible for enforcing federal laws regarding those who try to compromise these voting systems and election-related communications systems. USPIS, the law enforcement and security arm of the U.S.

Postal Service (USPS), is responsible for ensuring the security of USPS infrastructure used for the processing and delivery of mail-in ballots, and responding to and investigating attacks on that infrastructure.

2. Protect the Right to Vote

DOJ, through its Civil Rights Division (CRT), is responsible for ensuring compliance with the civil provisions of Federal statutes that protect the right to vote, and with the criminal provisions of Federal statutes prohibiting discriminatory interference with that right.

These statutes include *the Voting Rights Act; the National Voter Registration Act; the Uniformed and Overseas Citizens Absentee Voting Act; the Help America Vote Act (HAVA);* and *the Civil Rights Acts*. Collectively, these statutes prohibit election practices that, among other things, have either a discriminatory purpose or a discriminatory result on account of race, color or language minority status, and prohibit intimidation of voters.

For the general election, the CRT will monitor for compliance with the federal voting rights laws on Election Day and/or in early voting in specific jurisdictions. Monitors include personnel from CRT and from U.S. Attorneys' Offices. In addition, CRT also deploys monitors from the Office of Personnel Management, where authorized by federal court order. CRT personnel will also maintain contact with state and local election officials.

Complaints related to possible violations of federal voting rights laws can be made through the **toll-free number 800-253-3931,** and online at **https://civilrights.justice.gov/.**

Questions or complaints related to *the Americans with Disabilities Act* (ADA)? Call the DOJ's **toll-free ADA information line** at **800-514-0301** or **800-514-0383 (TDD),** or submit a complaint through **https://www.ada.gov/file-a-complaint/.**

3. Address Unlawful Threats of Violence and Physical Harm to Election Officials and Workers

DOJ is responsible for enforcing federal criminal law prohibiting unlawful threats of violence against election workers, and prohibiting voter intimidating and voter suppression.

DOJ's Elections Threat Task Force is led by the Public Integrity Section of the Criminal Division and includes several additional entities within the DOJ, including the Computer Crime and Intellectual Property Section of the Criminal Division, the CRT, the National Security Division (NSD), and the FBI, as well as key interagency partners, such as DHS and USPIS.

The task force engages with the election community and state and local law enforcement to assess allegations and reports of threats against election workers, and has investigated and prosecuted these matters where appropriate, in partnership with FBI Field Offices and U.S. Attorneys' Offices throughout the country. Threatening communications and suspicious substances mailed to election officials/workers are investigated by USPIS.

CISA provides election infrastructure partners with no cost physical security assessments to identify vulnerabilities and provide recommended mitigation measures. CISA also provides election officials with physical security best practice guides and trainings on how to protect election offices, election workers, and election officials from a range of physical and personal security threats.

The FBI thoroughly assesses each threat report and makes appropriate referrals to Department prosecutors, who review the case and determine whether the individual making the

threat can be prosecuted for violating Federal criminal law, whether additional investigative action is appropriate under the circumstances, and whether the matter should be referred to state and local law enforcement authorities for evaluation under state law.

Election officials and workers should report threats they receive to the local FBI office. To report suspected threats or violent acts, contact your local FBI office and request to speak with the Election Crimes Coordinator. Contact information for every FBI field office may be found at www.fbi.gov/contact-us/field-offices/. You may also contact the FBI at 1-800-CALL-FBI (225-5324) or file an online complaint at tips.fbi.gov. Complaints submitted will be reviewed by the task force and referred for investigation or response accordingly. If someone is in imminent danger or risk of harm, contact 911 or your local police immediately.

Notably, there are some limitations to any Federal response to election-related crimes; for example, Federal law makes it a criminal offense to send armed Federal personnel to an active polling place where a general or special election is held. *See 18 U.S. Code § 592.*

HAVA grants and some DHS grants can be used to help mitigate against threats to physical security. DOJ's Edward Byrne Memorial Justice Assistance Grant Program may be used to prevent and respond to threats to election officials and workers. Complaints related to violence, threats of violence, or intimidation at a polling place or a tabulation center should be reported immediately to local authorities before being reported to the FBI.

Election officials and workers should report threats they receive to the local FBI office.

4. Identify and Counter Foreign Malign Influence Activities Directed at U.S. Elections

The United States seeks to identify, expose, and disrupt foreign actor influence and/or information operations that are subversive, undeclared, coercive, or criminal actions and are designed to affect popular or political attitudes, perceptions, or behaviors in relation to U.S. elections. ODNI leads the IC's efforts to provide policymakers a comprehensive intelligence picture and, when appropriate, inform the American public about threats to elections posed by foreign actors, including through the declassification and release of IC assessments.

The IC, including the Foreign Malign Influence Center (FMIC), as well as the Department of State (DOS), DOJ, DHS, and the Department of the Treasury (Treasury), work to counter these operations through disruption and deterrence measures, including through diplomatic pressure, public or private notifications, and financial sanctions. With respect to sanctions, Executive Order 13848, *Imposing Certain Sanctions in the Event of Foreign Interference in a United States Election* authorizes Treasury to take action against foreign individuals and entities connected to foreign governments that are determined to have interfered in an election or persons who provided material support to such interference.

The FBI is the lead federal agency responsible for investigating foreign influence operations. In late 2017, the FBI established the Foreign Influence Task Force (FITF) to identify and counteract malign foreign influence operations targeting the United States.

DOJ's NSD oversees matters involving a range of malign influence activities that foreign governments may attempt, including computer hacking of election or campaign infrastructure; covert information operations (e.g., to promulgate disinformation through social media); covert efforts to support or denigrate political candidates or organizations; and

other covert influence operations that might violate various criminal statutes.

To help mitigate the risk of foreign influence operations and disinformation targeting election infrastructure, CISA provides public information on foreign adversary tactics, provides accurate information on election infrastructure security through its *Election Security Rumor vs. Reality* webpage, and amplifies the voices of state and local election offices as trusted sources of information on election administration.

5. Combat Election Fraud and Campaign Finance Violations

DOJ, through the Public Integrity Section of the Criminal Division, is responsible for enforcing the federal criminal laws that prohibit various forms of election fraud, such as destruction of ballots, vote-buying, multiple voting, submission of fraudulent ballots or registrations, alteration of votes, and malfeasance by postal or election officials and employees. DOJ, through the Public Integrity Section, is also responsible for criminal enforcement of the federal campaign finance laws.

The U.S. Attorneys' Offices around the country designate Assistant U.S. Attorneys to serve as District Election Officers (DEOs) in the respective districts. DEOs are responsible for overseeing potential election-crime matters in their districts, and for coordinating with the department's election-crime experts in Washington, D.C. USPIS and the USPS Office of Inspector General also conduct investigations, in partnership with DOJ, of election offenses involving the U.S. Mail or USPS, including the theft of mail-in ballots.

Ballot fraud is crime involving the process by which voters are registered, votes are cast, or votes are tabulated. DOJ has long recognized that the States – not the federal government – are responsible for administering elections, determining the validity of votes, and tabulating the results, with challenges handled by the appropriate election administrators, officials, legislatures, and courts.

DOJ has a limited role in these processes and generally avoids interfering or appearing to interfere with election administration, tabulation, validation, or certification. DOJ's role is limited to investigating and prosecuting violations of federal election laws and deterring criminal conduct. Accordingly, DOJ generally does not engage in overt criminal investigative measures in matters involving alleged ballot fraud until the election in question has been concluded, its results certified, and all recounts and election contests concluded. Doing otherwise runs the risk of chilling legitimate voting and campaign activities and of interjecting the investigation itself into ongoing campaigns and the adjudication of any ensuing election contest. It may, however, often be appropriate to share information and allegations involving such matters with state or local authorities where an immediate need for overt measures exists.

DOJ regularly issues guidance on election year sensitivities. Simply put, partisan politics must play no role in the decisions of federal investigators or prosecutors regarding any investigations or criminal charges. Law enforcement officers and prosecutors may never select the timing of public statements (attributed or not), investigative steps, criminal charges, or any other action in any matter or case for the purpose of affecting any election, or for the purpose of giving an advantage or disadvantage to any candidate or political party. Such a purpose, or the appearance of such a purpose, is inconsistent with the DOJ's mission and with the Principles of Federal Prosecution.

6. Additional Support Relating to the Elections

USPIS ensures the safe, secure, and efficient delivery of election mail, including ballots, across the country and to Americans abroad. The Department of Defense manages the Federal Voting Assistance Program to help military service members, their families and overseas U.S. citizens vote.

The Election Assistance Commission (EAC) administers HAVA Elections Security grants, adopts voluntary voting system guidelines, accredits testing laboratories and certifies voting systems, and serves as a national clearinghouse of information on election administration. For more information, please go to **www.eac.gov**. The General Services Administration (GSA) provides trustworthy, accurate, public-facing information about voter registration to help more Americans exercise their right to vote at **www.vote.gov**.

LINKS TO KNOW

To report instancs of voting rights violations, visit ***https://civilrights.justice.gov/***

To report instances in which voting discrimination is taking place, visit ***https://www.ada.gov/file-a-complaint/***

To search for an FBI office near you, visit **www.fbi.gov/contact-us/field-offices/**

To contact the FBI regarding threats or violence to voter personnel, call **1-800-CALL-FBI (225-5324)** or visit **tips.fbi.gov**

Visit **www.vote.gov** and **www.eac.gov** for more information on the efforts being made for election security.

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