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State Legislature Interference in Elections

No updates required since June 12, 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. Since 2020, some state legislatures have 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

Category	Number	List
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



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		<div>North Dakota</div> <div>Ohio</div> <div>Oregon</div> <div>Pennsylvania</div> <div>Rhode Island</div> <div>South Dakota</div> <div>Texas</div> <div>Utah</div> <div>Vermont</div> <div>Virginia</div> <div>Washington</div> <div>West Virginia</div> <div>Wisconsin</div> <div>Wyoming</div>
<div>State has enacted law(s) to allow legislature to seize power over elections</div>	<div>9 states</div>	<div>Florida</div> <div>Georgia</div> <div>Kansas</div> <div>Kentucky</div> <div>Missouri</div> <div>Montana</div> <div>Oklahoma</div> <div>South Carolina</div> <div>Tennessee</div>



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](#) in 2021, which gives the legislature additional power over election related litigation.

Georgia (-1)

- State enacted [SB 202](#) 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 that 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.



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West Virginia (0)

- State has no applicable law.

Wisconsin (0)

- State has no applicable law.

Wyoming (0)

- State has no applicable law.