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The Self-Governing Election Administrative State

Federal judges are getting the DOJ voter roll cases terribly wrong

Marly Hornik | September 14, 2026



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In September of 2025, the Civil Rights Division of the U.S. Department of Justice launched a wave of litigation against states that refused to comply with a simple request — share a copy of their Statewide Voter Roll (SVR) containing the Social Security number and/or driver license number of every registered voter. The DOJ sought to verify that only qualified U.S. citizens were registered to vote. At least 29 states have been sued.

The decisions by federal judges in these lawsuits, ruling against the plaintiff USA in case after case, have been shocking. Under the guise of justice, the cherished and uniquely American principle of protecting

individual rights through dual governance is dissolving. Meanwhile, the alleged “right” of the Election Administrative State to label whatever it pleases as an “election” gets an anti-constitutional boost.

The Genius of Dual Governance

Before our government divides into three branches, it intentionally divides into two governments. Every American is protected by a state constitution and the federal constitution. As noted by President Monroe in 1822, “the whole power of the people, on the representative principle, is divided between them,” so that a betrayal or usurpation of rights by one *can be rectified by the other*.

James Madison discussed this in Federalist 51, explaining, “In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. *Hence a double security arises to the rights of the people*. The different governments will control each other, at the same time that each will be controlled by itself.”

In the case of elections, this interplay of powers is structured so that states administer the elections while the federal government distrustfully peers over their shoulders — *because people cheat*.

Guaranteeing that the choice of representatives is exclusively made by legally qualified voters, as the second sentence of the U.S. Constitution requires, is an established role of federal law enforcement. Elections are conducted on behalf of neither the states nor Congress; elections secure the sovereignty of the citizens over the law itself. The greatest threat to election validity is secrecy. The greatest threat to keeping our natural rights — life, liberty, and the pursuit of happiness — is subversion of Congress through voter fraud or election misconduct.

The Honor System Is Not Intrinsically Trustworthy

For *some* reason, it is obvious to everyone but the Election Administrative State, federal judges, and the U.S. Senate that handing out ballots for the 535 members of U.S. Congress without ID is not smart. It makes sense that Harmeet Dhillon's alarm bells are going off in the Civil Rights Division about the accuracy of the voter rolls, especially when so many states are trying to hide their work.

What does not make sense is the consensus of federal judges treating Dhillon like the crook. According to their official ramblings, the DOJ is actually serving Trump's secret desire to rule the world by creating one database from which to destroy democracy, the word "broad" really means "narrow," the voter rolls are not a document that must be preserved, the voter rolls are created not received and therefore not subject to disclosure, the Voting Rights Act is distinct from the federal laws that were *added to it* in order to mandate electronic voter lists, the states must jealously guard the privacy rights of state citizens who also happen to be U.S. citizens, the federal government doesn't have the qualifications to examine the Social Security numbers it issued, and so on.

Instead of protecting the liberty rights of American citizens, every ruling protects the alleged sovereignty of the Election Administrative State, as if *Chevron* were not dead.

Essentially, federal judges are telling the American people to blindly trust partisan, interested bureaucrats administering an uncontrolled election process regarding our "choices" for U.S. congressional representation. RealAmerica.Vote filed amicus briefs in the New York and Pennsylvania cases arguing that the Founders, like Rufus King from Massachusetts, never intended for election officers to self-govern:

The individual States may some of them grow rich and powerful; and ... they may be desirous of becoming wholly independent of the Union, and therefore ... may fix on improper places, inconvenient Times, & a manner of electing wholly disagreeable to the people.

Yet the judges were unmoved, ultimately ruling that the Elections Clause grants the privilege of absolute authority to the States in administering federal elections, and there is nothing the DOJ can do about it.

Rejecting federal oversight of federal election records is an assault on the sovereignty of American citizens; an assault on dual governance; and a fall from the manly firmness of early New York legislators, who argued in 1737 before the King's Governor, "Elections of Representatives should be free, otherwise they cannot with any Propriety of Speech be called Elections," concluding, "No Government can be safe without proper Checks upon those entrusted with Power."

Amen and amen. Hopefully we still have a U.S. Senate by the time these cases reach the Supreme Court.



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