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OVERSIGHT WITH SECRETARIES OF STATE: LIST MAINTENANCE AND ELIGIBILITY VERIFICATION

HEARING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

SECOND SESSION

APRIL 16, 2026

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OVERSIGHT WITH SECRETARIES OF STATE: LIST MAINTENANCE AND ELIGIBILITY VERIFICATION

April 16, 2026

COMMITTEE ON HOUSE ADMINISTRATION,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

The Committee met, pursuant to notice, at 10:18 a.m., in room 1310, Longworth House Office Building, Hon. Bryan Steil [Chairman of the Committee] presiding.

Present: Representatives Steil, Lee, Loudermilk, Griffith, Bice, Miller, Morelle, Sewell, Torres, and Johnson.

Staff present: Mike Platt, Staff Director; Abby Salter, Deputy General Counsel; Kristen Monterroso, Director of Operations; Josh Weber, Counsel; Libby Sippel, Deputy Director of Member Services; Jamie Fleet, Minority Staff Director; Sarah Nasta, Minority Senior Advisor; Nikolas Youngsmith, Minority Policy Director; and Owen Reilly, Minority Professional Staff.

OPENING STATEMENT OF HON. BRYAN STEIL, CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION, A U.S. REPRESENTATIVE FROM WISCONSIN

Chairman STEIL. The Committee on House Administration will come to order.

The title of today's hearing is "Oversight with Secretaries of State: List Maintenance and Eligibility Verification." I note that a quorum is present.

Without objection, the Chair may declare a recess at any time. Also, without objection, the hearing record will remain open for 5 legislative days so Members may submit additional materials they wish to be included therein.

Thank you, Ranking Member Morelle, Members of the Committee, and our witnesses, for participating at today's hearing. I will now recognize myself for the purpose of making an opening statement.

Today, the Committee on House Administration continues our oversight of Federal elections. We will focus on State efforts to maintain accurate voter rolls, as well as our efforts to ensure only eligible voters are participating in our democratic process.

In January, I sent letters to 10 secretaries of state addressing these issues. My questions focused on topics, including voter list maintenance, voter eligibility, including citizenship, and registering voters, how States identify and notify ineligible registrants of re-

moval, and use of the SAVE data base which the Trump administration has made available free of charge.

Two secretaries I wrote are here with us today: Kansas Secretary of State Scott Schwab and Minnesota Secretary of State Steve Simon.

I thank each of you for your responses and for being with us today.

The Committee has a responsibility for ensuring States follow Federal election law. It is also responsible for drafting necessary legislative reforms. With several recent reports of potential noncitizens appearing on State voter rolls, I believe it is time to act.

In Ohio, 62 noncitizens were found on the State's voter rolls with the help of the SAVE data base. In Iowa, an illegal alien was working as the superintendent for one of the State's largest school systems. He was registered to vote in the State of Maryland and was mailed a ballot. In Kansas, the SAVE data base helped identify a noncitizen who has been charged with illegal voting in three elections. It actually also turns out that he was a mayor of a city in Kansas. Just 3 days ago, a noncitizen was charged in Minnesota for voting in the 2024 election.

These are real stories, and current Federal law is part of the problem. The National Voter Registration Act and the Help America Vote Act set baseline standards for voter registrations back in 1993 and 2002, respectively. However, we have identified serious flaws in these statutes that are actually weakening election integrity.

For example, under the NVRA, each State must include a voter registration application with every driver's license application. This in particular creates a serious problem when States are allowing illegal aliens to receive driver's licenses.

To get this clear, under current law, illegal aliens are required to receive voter registration materials when they get a driver's license. That is absolutely nuts. Congress caused this problem, and we need to fix it. Issues like this are only compounded when States fail to maintain accurate voter rolls.

Consider the implications in States with universal vote-by-mail policies. In those States, a live ballot is automatically mailed to every person on the voter rolls for every election. When list maintenance is insufficient, ballots can be sent to people who have moved or to people who are deceased. What is to stop a current resident from—at an address from mailing back a ballot that is not theirs and sending it in?

There are real flaws, and fixing is something we should all be able to get behind. It is common-sense reforms. This is exactly why I introduced the Make Elections Great Again Act, the MEGA Act. The MEGA Act updates, clarifies, and strengthens voterless maintenance standards, including a new requirement that States conduct general list maintenance at least every 30 days. This baseline requirement would ensure that every State takes the proper steps to keep their voter lists accurate and up to date.

Election integrity is not a complicated issue. Only eligible voters should be casting ballots in our elections. One illegal vote is too many. Congress has the ability to strengthen standards for Federal elections, and it is time that we act. Doing so will boost voter con-

fidence and increase participation in our elections, and that is a good thing.

I thank both of our secretaries for being with us today, and I look forward to our conversation.

I will now recognize the Ranking Member, Mr. Morelle, for 5 minutes for the purpose of providing his opening statement.

[The prepared statement of Chairman Steil follows:]

PREPARED STATEMENT OF CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION BRYAN STEIL

Today, the Committee on House Administration continues our oversight of Federal elections. We will focus on State efforts to maintain accurate voter rolls, as well as our efforts to ensure only eligible voters are participating in our democratic process.

In January, I sent letters to 10 secretaries of state addressing these issues. My questions focused on topics, including voter list maintenance, voter eligibility, including citizenship, and registering voters, how States identify and notify ineligible registrants of removal, and use of the SAVE database which the Trump administration has made available free of charge.

Two secretaries I wrote are here with us today: Kansas Secretary of State Scott Schwab and Minnesota Secretary of State Steve Simon.

I thank each of you for your responses and for being with us today.

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To get this clear, under current law, illegal aliens are required to receive voter registration materials when they get a driver's license. That is absolutely nuts. Congress caused this problem, and we need to fix it. Issues like this are only compounded when States fail to maintain accurate voter rolls.

Consider the implications in States with universal vote by mail policies. In those States, a live ballot is automatically mailed to every person on the voter rolls for every election. When list maintenance is insufficient, ballots can be sent to people who have moved or to people who are deceased. What is to stop a current resident from at an address from mailing back a ballot that is not theirs and sending it in?

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OPENING STATEMENT OF HON. JOSEPH MORELLE, RANKING MEMBER OF THE COMMITTEE ON HOUSE ADMINISTRATION, A U.S. REPRESENTATIVE FROM NEW YORK

Mr. MORELLE. Thank you, Mr. Chair, for convening us, and in just a moment I will thank our witnesses.

I think the one thing we can all agree on today is to express our congratulations to Chairman Steil and his beautiful wife Kaley on their recent nuptials. I understood you used—well used the time we were away from Washington. I just want to—as someone who has been happily, blissfully married for 42 years, I think I can certainly say that I am so incredibly happy for you and for your beautiful bride and want to wish you all the best.

Chairman STEIL. Thank you very much.

Mr. MORELLE. Thank you again for the hearing, and thanks to our witnesses. By the way, I do not want my time to be used congratulating the Chair. I just want the record—thank you. Thank you for giving my time back.

I also want to thank our witnesses for joining us today. We are grateful to you and to your fellow election officials around the country who work so hard to ensure fair, free, and secure elections.

I am, and everyone should be, dismayed by the continuing baseless attacks on our democracy intended to sow false doubt in election administrators like the two public servants who are with us today. I say everywhere that I am incredibly grateful to local and State administrators who I think jealously guard the sacred obligation and right and duty they have to count elections. American citizens should know—I want to speak to them first. You should know your elections are secure. Your vote will count. Your vote is your power. It is your right. Please, please, please use it.

The people lying about the security of our elections want to take your power away by discouraging you from voting at all. They want to take your power away by attacking local election administrators and making it harder for them to serve your communities. They are desperate to make voters distrust democracy because they are afraid of losing power.

All the suggestions that they are making about changes are not about improving the process. It is about improving the process for political power. Should you begin to believe those lies, they have seized control from you, the American voter. Do not let them get away with it. In America, voters are in charge. Citizens are in charge. Use your power and use it by voting.

Second, I want to speak to our witnesses and share with you how deeply I respect your work. Thank you for your public service. I am confident you both will run free, fair, and secure elections in your States. You both deserve our support, you both deserve Congress' gratitude and respect.

No one who does the jobs you do deserve to have resources slashed by my friends here on the other side of the aisle who think it is fine to severely underfund HAVA grants. In fact, this morning in a budget bill that was released, the majority proposes $15 million nationally for election security grants. $15 million for the whole country. If I was good enough to do the math quickly, 150 million or so Americans who cast ballots and divide it by $15 million, it is not even pennies per voter. We need to do so much better.

You do not deserve to have new unnecessary burdens from terrible bills like that.

With all due respect, the MEGA Act and the SAVE America Act, which land on you right as you are in the middle of, in some States, running primaries already, some have already happened, and certainly as you are preparing for the midterm elections, you do not deserve to be falsely accused of failing to do your jobs by the same people who refuse to give you resources and support to do your jobs.

You also do not deserve the unprecedented threats and risks the Trump administration is piling on top of these burdens that are being furthered by my friends on the other side of the aisle. You and your voters deserve a Department of Justice that will protect voting rights and support critical work that you do, not one that makes illegal demands to turn over private voting data so the Trump administration can decide who gets to vote.

In your case, Secretary Schwab, Kansans do not deserve a DOJ that lies in court by claiming your State has violated voter privacy by giving DOJ sensitive data like Social Security numbers for Kansas voters.

In your case, Secretary Simon, Minnesotans deserve a DOJ that upholds its mission to keep the American people safe, not a DOJ that tries to extort voter rolls at gunpoint like they did after the senseless shootings of Renee Good and Alex Pretti.

You and your voters deserve a Department of Homeland Security that provides cybersecurity assistance, information sharing to identify and mitigate risks, disaster preparedness, and other essential support, not a CISA, or Cybersecurity and Infrastructure Security Agency, that has been hollowed out by malicious conspiracy theorists and enablers here in Congress.

You and your voters deserve an intelligence community and Director of National Intelligence who will protect Americans and secure our election critical infrastructure against foreign threats, not weaponized intelligence authorities for political purposes.

You deserve a President who respects the Constitution of the United States, not an illegal executive order purporting to take over your authorities and attacking the ability of American citizens to vote by mail. Of course, that is the same Donald Trump—I hesitate to point out, but it is important to—who voted by mail just last month, even though he was in Florida during early voting and could have gone to a polling place, but somehow found time over the weekend to go to a UFC championship fight in person. Donald Trump thinks he deserves special privileges while making things harder and more costly for Americans.

You deserve a Federal Government you can trust, a Federal Government that has your back. I wish my colleagues on the other side of the aisle felt the same way, and I hope this political moment is over. We will get back to nonpartisan pro-democracy values. There is so much good work we can do together to support you, the things like sufficient HAVA funding and a functional CISA that provides cyber assistance and information sharing that we all need to do.

While I have much more to say, in the interest of time, I will, again, thank you for the opportunity to speak, Mr. Chairman, and I yield back.

[The prepared statement of Ranking Member Morelle follows:]

PREPARED STATEMENT OF RANKING MEMBER OF THE COMMITTEE ON HOUSE ADMINISTRATION JOSEPH MORELLE

I am, and everyone should be, dismayed by the continuing baseless attacks on our democracy intended to sow false doubt in election administrators like the two public servants who are with us today. I say everywhere that I am incredibly grateful to local and State administrators who I think jealously guard the sacred obligation and right and duty they have to count elections. American citizens should know I want to speak to them first. You should know your elections are secure. Your vote will count. Your vote is your power. It is your right. Please, please, please use it.

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Chairman STEIL. The gentleman yields back.

Without objection, all Members' opening statements will be made part of the hearing record if they are submitted to the Committee clerk by 5 p.m. today.

Today, we have a one-panel witness. First we have Kansas Secretary of State Scott Schwab, next we have Minnesota Secretary of State Steve Simon. We appreciate both of you being with us here today and look forward to your testimony.

I will now recognize Secretary Schwab for 5 minutes for his opening statement.

STATEMENTS OF THE HONORABLE SCOTT SCHWAB, KANSAS SECRETARY OF STATE; AND THE HONORABLE STEVE SIMON, MINNESOTA SECRETARY OF STATE

STATEMENT OF HON. SCOTT SCHWAB

Secretary SCHWAB. Thank you, Chairman Steil and Ranking Member Morelle and Members of the Committee, for the opportunity to testify.

As Kansas' Secretary of State, ensuring voter rolls are maintained in accordance with State and Federal laws is critical. Kansas has been a leader in election security and integrity efforts for many years. When I chaired the legislature's House Committee on Elections in Kansas, we enacted voter ID, which is government-issued and must have a name and a photo on it and a documented—we also had documentary proof of citizenship in 2011.

As Secretary of State, we have strengthened post-election audits, added procedural audits, increased physical and cybersecurity requirements from county election offices, banned rank-choice voting, and the State eliminated a grace period to receive ballots after election day. These measures strengthened our election system without increasing burdens on voters.

Maintaining accurate voter rolls for 2 million registered voters is constant. I have made it a priority to pursue every legal tool to identify voters whose registration should be updated. In Kansas, 105 election officials conduct voter roll maintenance daily. Approximately 5 percent of the registrations are updated every Federal election due to routine voter maintenance. On average, we add about 200,000 new registrants every Federal election cycle.

The most common maintenance activity is updating our records for voters who move, but Kansas uses multiple tools, including deduplication, the NCOA for address maintenance. Identifying voters who move out of State is a challenge. That is why we established MOUs with Secretaries of Texas and Missouri to compare voter lists. I intend to work with other States to establish more MOUs to identify duplicate registrants and prevent double voting across State lines.

A tool we are barred from using is the interstate cross-check program. Kansas ran this effective program for 20 years to identify

voters who moved out of State. At its height, the program compared the voter rolls of 35 States. It was compelled to be discontinued in 2018.

Kansas removes about 28,000 registrants annually because of death. We have not identified any voters who cast a ballot after they were deceased. Verification of death occurs from three sources: weekly data from the State's vital statistics, a voter's obituary, and Social Security Administration's death master file.

While Kansas law permits the use of this data, it only became available after President Trump's Executive Order 14248 requiring SSA to share the data with the States. Kansas cross-indexed its voter rolls with SSA last fall. More than 5,500 registrants were removed following independent verification of the SSA data to ensure the correct voter was removed. Again, no deceased voters voted.

Kansas was on the forefront of enacting two election integrity measures in 2011: voter ID and documentary proof of citizenship. However, in 2018, the Federal courts banned Kansas from enforcing its citizenship laws. Unable to check citizenship at registration, we have focused on screening our rolls for potential noncitizens by reviewing temporary driver's license. My office introduced legislation that now requires the DMV to provide quarterly lists of individuals that have a TDL to verify only citizens are on our voter rolls, and reviewing judicial branch reports for any potential juror who claims they are not a citizen.

At the beginning of 2025, my office was one of the first to utilize the SAVE system to review the entire State voter roll. SAVE is one of the most important tools States have to verify voter information. We are grateful for the President to prioritize this at no cost.

After running the voter rolls through SAVE, the rolls are cross-checked for potential noncitizens for follow-up and possible criminal prosecution. The attorney general and I do have a close working relationship, and when there is suspicion of an election crime, including noncitizen voting, it is referred to him.

To date, the attorney general has brought two criminal indictments, and my office has referred seven more suspected noncitizens to the attorney general. The importance of this collaboration is highlighted by the discovery of a noncitizen serving as mayor of Coldwater, Kansas. This person registered to vote prior to the Kansas proof of citizenship law, which grandfathered him in. However, having access to SAVE system prior to this administration would have identified this person and prevented additional alleged crimes from being committed.

To further strengthen laws in this area, my office has successfully pursued legislation to take effect July 1 to mandate the use of SAVE twice a year and require State agencies to report noncitizens who apply for benefits on our voter roll comparison.

Mr. Chairman, Kansas has strong checks in place to ensure eligible voters are on the rolls. I appreciate President Trump's actions to make SAVE available and Social Security data at no cost to the State. I also appreciate the diligence of county election officials—and I cannot say that enough—to ensure errors are not made in voter roll maintenance that would jeopardize public confidence in our system.

Thank you.

[The prepared statement of Secretary Schwab follows:]

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STATE OF KANSAS

Written Statement of Scott Schwab
Kansas Secretary of State

"Oversight with Secretaries of State: List Maintenance and Eligibility Verification"
U.S. House of Representatives Committee on House Administration

April 16, 2026

Thank you, Chairman Steil, Ranking Member Morelle and members of the committee for the opportunity to testify on the importance of voter list maintenance and eligibility verification. As Kansas Secretary of State and the state's chief election official since 2019, maintaining voter rolls in accordance with federal and state law is critical to the integrity of our elections.

Kansas has been a leader in election security and integrity efforts. As part of strong voter roll maintenance and eligibility verification processes, Kansas enacted into law voter photo identification (ID) and documentary proof of citizenship (DPOC) in 2011 when I served as Chair of the Kansas Legislature's House Committee on Elections.[1] Since I became Secretary of State, we have strengthened post-election audits, added procedural audits, enhanced signature verification for mail ballot applications and ballot envelopes, substantially increased the physical and cyber security requirements for county election offices, banned rank-choice voting, limited the ability of any person carrying another's mail ballot, and the state eliminated the three-day grace period for receipt of mail ballots after election day. These enhancements strengthen election integrity without increasing the burden on voters.

Voter Roll Maintenance

Maintaining accurate and updated voter rolls for Kansas's 2 million registered voters is a constant activity that is fundamental to election integrity. As Secretary of State, I have made it a priority to aggressively pursue every available legal tool to identify voters whose registration should be updated and to take appropriate action. In Kansas, 105 county election officials conduct voter roll maintenance daily in accordance with federal and state law. As provided by the National Voter Registration Act (NVRA), a voter's registration record may be updated or the record may be removed from the voter rolls for the following reasons: no longer a Kansas resident for voting purposes,[2] death, felony conviction, or if they are a non-citizen. As a result of maintenance efforts,

[1]Kansas was enjoined from enforcing DPOC. *Fish v. Schwab*, No. 18-3133 (10th Cir. 2020)

[2] If a county election officer receives an indication that a voter likely no longer lives at their address, a confirmation notice is sent. If it is returned as undeliverable, the voter is flagged as "inactive." If there is no voter activity for two federal election cycles, the voter may be removed from the rolls. Permissible indications include not voting for four or more years, name appearing on the National Change of Address (NCOA) database, or returned official election mail.

approximately 5 percent of registrations are removed after every federal election. On average, the state registers over 200,000 per federal election cycle.

Change of Residence:
The most common voter roll maintenance activity is updating the records of voters who move. In 2025 an estimated 6 percent of active voter registration records changed addresses within the state, and another 6 percent were made inactive due to evidence of a move out of state.

No voter registration is removed without confirmation from the voter, or without following the requirements of the NVRA and state law regarding confirmation notices and waiting periods.

To help further maintain voter rolls the Kansas Legislature approved a bill my office introduced to provide an additional process for a county election official to remove voters who have moved out of state. If a voter has had no election activity for four years, and an address confirmation notice is returned "undeliverable," and the voter subsequently has no election-related activity for an additional two federal election cycles, the voter may be removed from the rolls.

To address change of residence between Kansas counties, twice a year my office conducts a statewide de-duplication to identify and merge the older registration record with the new registration record for any voter registered in more than one county.

My office also uses the National Change of Address (NCOA) program at least once a year to identify Kansas voters who moved out of state. County election offices conduct mailings at least once a year to identify persons who have moved and send a confirmation notice. Any voter who has no voter activity for four years (one presidential cycle) is mailed a confirmation notice to determine if they are still a resident.

Identifying voters who move out of state is one of the greatest challenges in voter roll maintenance. That is why my office established memorandums of understanding (MOUs) with the secretaries of state in Texas and Missouri to compare voter lists, and we are close to entering into agreements with two more states. This is the only mechanism states have to verify duplicate voter registrations and prevent double voting across states.

To further assist with residence verification my office is working with the Kansas Legislature to change state law. The Legislature is considering legislation to permit the Secretary of State's office to:

- Use DMV records, provided by the Democrat governor's administration, when a Kansas voter obtains a driver's license in a new state, which automatically cancels the Kansas license.
- Use other valid sources of residence change from other federal and state government agencies, indicating a change of residence.

These new sources of a potential change of residence information will be treated the same as NCOA information – an indication a voter has moved, but not alone adequate proof to remove a registration.

Previously, to identify voters who had moved out of state, Kansas ran the interstate cross-check program for 20 years, which at its height compared the voter rolls of 35 states. This was an

effective means to identify those who moved. However, for several reasons, it was compelled to be discontinued in 2018.

Death:
Kansas removes approximately 28,000 voter registrations annually because the voter died. Verification of a voter's death occurs from three sources. We have not identified any voters who cast a ballot after they were deceased.

First, my office receives a weekly data transfer from the state office of vital statistics of all death certificates issued in Kansas. Counties are promptly directed to remove these voters

Second, county election officials are required to scour local newspapers and online funeral home obituaries for county voters. An obituary serves as verification of a deceased voter.

Third, although Kansas law allows use of the Social Security Administration (SSA) Death Master File, this resource only became available after President Trump's March 25, 2025, Executive Order 14248 that requires the SSA to provide the data to states. For the first time in almost a decade, Kansas was able to cross index its voter rolls with the SSA death index last fall, allowing us to identify registered voters who died out of state. More than 5,500 deceased voter registrations were removed. Kansas requires any deceased record from SSA to be verified by an independent source, such as an obituary, to ensure the correct voter is removed. Again, no voter voted after they were deceased.

To further aid in identifying deceased persons on the voter rolls, the Kansas Legislature approved allowing county election officials to use sworn affidavits attesting to a death from close relatives as an additional basis to remove registrations.

Felony Conviction:
The Secretary of State's office receives felony conviction reports from the federal courts as these occur, and weekly from the state department of corrections. This information is sent to the appropriate county election official within five days to remove the voter's registration. The voter may re-register to vote once the incarceration, probation or parole is complete.

Non-citizen:
Kansas was at the forefront of enacting several provisions to ensure election integrity in 2011 when I chaired the Kansas Legislature's House Committee on Elections. This included requiring government issued photo ID to vote in every election, and enactment of state law requiring documentary proof of citizenship to register to vote. However, in 2018, the federal courts banned Kansas from enforcing its documentary proof of citizenship laws. Unable to check for citizenship at the initial voter registration stage, Kansas has since focused its efforts on screening the voter rolls for potential non-citizens for further investigation and possible removal or criminal prosecution. Kansas has three methods to screen the voter rolls for non-citizens:

1) Review of individuals issued a temporary driver's license. My office introduced legislation in 2025 that was enacted into law that requires the Kansas Department of Motor Vehicles to provide the Secretary of State's office with a list of individuals issued a temporary driver's license to compare to the voter rolls to verify that only citizens are registered to vote. This list is required to be provided quarterly.

2) My office receives reports from the judicial branch of any potential juror who claims non-citizenship.

3) Beginning in October 2025 my office has utilized the United States Customs and Immigration Services (USCIS) Systematic Alien Verification for Entitlements (SAVE) system to review the entire state voter roll and immediately began processing and investigating the results. We understand Kansas was one of the first states to use SAVE.

   SAVE is one of the most important tools states now have to maintain voter rolls. We are grateful to President Trump for prioritizing the availability of the SAVE database, as well as the Social Security Administrations Death Master File, for states to access at no cost. After running our voter roll through the system:

   - The voter rolls are cross-indexed for potential non-citizens for follow-up and possible criminal prosecution if there is evidence amounting to reasonable suspicion of a crime. The Kansas Secretary of State and the Kansas Attorney General have a close working relationship, and when there is reasonable suspicion of an election crime, including non-citizen voting, it is referred to the criminal division and it is always fully investigated and if warranted, prosecuted.

   - Since September 2025, two criminal indictments have been brought by the Attorney General, and my office has referred seven more suspected non-citizens to the Attorney General's Office. The importance of this collaboration is highlighted by the recent discovery of a non-citizen being the mayor of Coldwater, a small town in south-central Kansas. This person became a registered voter prior to the Kansas proof of citizenship law, which grandfathered him in. Having access to the SAVE system prior to the current administration would have identified this person and prevented any alleged additional crimes from being committed.

   - The agency's review of the information provided by SAVE is ongoing and we anticipate additional referrals for potential non-citizens.

   - The agency intends to continue vetting the state's voter list against the SAVE database on a routine basis. During this legislative session, my office successfully requested a bill to require reports to my office of non-citizens who applied for benefits from state agencies for voter roll comparison and mandate the use of the SAVE program twice a year.

When a registered voter is flagged as a possible non-citizen, my office conducts rigorous due diligence including a 30-day notice to the voter before the voter's registration is removed or any public notice is given to avoid privacy violations and incorrect public pronouncements.

Voter Eligibility Verification

Kansas, like other states, has three criteria for a person to be a qualified elector and able to register to vote: citizenship, residence, and aged 18 on election day.

Photo ID – Kansas' government issued photo ID has been state law since 2011, and all voters are required to show photo ID when voting at the polls on election day, voting in-person advance, or voting by mail.

Citizenship – Because Kansas is enjoined from requiring DPOC, during the act of registration, Kansas is left with a citizenship affirmation statement on the registration form made under penalty of perjury.

Signature verification – Kansas requires signature verification on all advance voting ballots cast by mail. The signature on the ballot envelope must match the signature on file and the signature on the ballot application.

Recommendations

As noted earlier, voter roll maintenance is an activity governed in part by NVRA, which is more than 30 years old. It is time to open the conversation about how NVRA can be modernized so it can work more effectively for election officials. We would encourage Congress to consider the following:

1) Shortening the 90-day period to 45 days during which voter list maintenance is limited. This would allow local election officials to continue to maintain their voter rolls during a time when there may be a significant influx of newly registered voters – i.e. prior to a federal election. Under the NVRA, Kansas is unable to perform voter roll maintenance following the deadline to register to vote for the state's primary election on August 4, and the general election on November 3 – over six months in an even-numbered year. A shorter period would permit counties to conduct maintenance activities.

2) Establishing a litigation safe harbor for list maintenance activities during any maintenance moratorium. This would provide assurance to local election officials in their performance of routine maintenance.

3) Eliminating the requirement that a voter registration agency must offer an individual a voter registration application every time there is a transaction with the individual. A voter registration agency would not be required to provide an application if the individual identifies as a non-citizen. In addition, voter registration agencies would be permitted to provide an application only if an individual affirmatively requests an application.

4) Allowing voter registration agencies to refer applicants to a state online voter registration system, rather than providing a paper application. This would reduce the opportunity for error on the application and improve efficiency in the collection of voter registration information.

Conclusion

Kansas has strong checks in place to ensure that only eligible voters are on the voter rolls and that the removal of any voter from the rolls occurs only after their ineligibility has been verified. We appreciate the support of the Trump administration to make available USCIS SAVE and Social Security Administration data, which are critical to assisting states in cleaning voter rolls. As Secretary of State, I am grateful for these tools, and appreciate the diligence exercised by our county election officials in their review to ensure that errors are not made in voter roll maintenance and voter verification that would jeopardize the public's confidence in our election system.

Chairman STEIL. Thank you very much, Secretary Schwab.
Secretary Simon, you are now recognized for 5 minutes.

STATEMENT OF HON. STEVE SIMON

Secretary SIMON. Thank you, Chairman Steil, Ranking Member Morelle, and Members of the Committee. It is an honor to be with you. I am grateful for the invitation. I am glad to be here alongside my colleague and friend, Secretary Scott Schwab of Kansas. Also glad to be reunited with my former colleague as Secretary of State, now Representative Lee.

Minnesota is proud of its accurate, fair, secure, accessible, and trusted election system, and I appreciate the opportunity to speak about it, specifically the work that is done to ensure that Minnesota's voter rolls are accurate and up to date.

Now, as you know, voter roll list maintenance and eligibility verification are governed by extensive State and Federal laws. The robust procedures Minnesota follows to ensure compliance with these laws cannot be covered entirely in my 5 minutes of remarks, but I will attempt to cover the most critical aspects of Minnesota's system here. I have included additional detailed information in my written remarks.

Minnesota has a variety of rigorous election security measures in place before, on, and after election day to ensure that our voter rolls are accurate. In Minnesota, voters can register to vote either through a voter registration application or, if they are eligible, through the secure automatic voter registration process with the Minnesota Driver and Vehicle Services Division of the Department of Public Safety.

Minnesota is one of about half the States in the Nation that adopted secure automatic voter registration, and it is important to know that individuals are only eligible to be included in that system if they provide citizenship affirming documentation, such as a birth certificate or a passport, at the time they apply for a driver's license or a State ID card.

Regardless of the method of registration, every voter registration application is compared to our State's driver's license database or the Social Security Administration Help America Vote Verification database depending on the identification number provided by the voter at the time of their application. This initial comparison process is not unique to Minnesota and is governed by the Help America Vote Act.

Once this initial comparison has been completed and the registration is added into the State database that we call SVRS, or Statewide Voter Registration System, every single voter is also mailed a nonforwardable postal verification card. If that card is returned as undeliverable, the voter's record is challenged. If a second postal verification card is returned as undeliverable, the record is inactivated.

Once a record is entered into the Statewide Voter Registration System, it is continuously compared to multiple datasets, including monthly reports from the Minnesota Department of Corrections on individuals incarcerated for a felony sentence, daily reports from the Minnesota court system on those who have had their right to vote revoked, monthly reports from the Department of Public Safe-

ty on noncitizens with temporary status in the U.S., and monthly reports from not one but two death indices: the Minnesota Department of Health and data from the Social Security Administration.

We also use data to ensure that duplicate voter records are identified and removed and that our voter records are as up to date as possible. This includes comparing voter records against court data to identify legal name changes, the U.S. Postal Service National Change of Address registry, and address data maintained in Minnesota's driver's licensing system.

We also securely share information with 25 States and the District of Columbia to identify voters who have moved or registered in a different jurisdiction. In the rare cases where a potential voter registration violation is identified, State law requires referrals to the county attorney for investigation and prosecution.

In addition, we also conduct annual list maintenance to inactivate any voter record that has not been updated by voting or other registration activity in over 4 years. This work to maintain accurate voter rolls is done by local election officials in Minnesota's 87 counties, and that work is supported on election day by hundreds of municipalities and by over 30,000 poll workers. These Minnesotans who work to administer our elections are committed to safe, secure, and accessible elections for all eligible voters in Minnesota, and I am proud to say that public trust in the system is exceedingly high, as evidenced both by public opinion polling in Minnesota and by the fact that Minnesota routinely leads the Nation in voter turnout.

As Minnesota's chief election official, I am proud to oversee a system that provides broad access to eligible voters while maintaining the security necessary to preserve fair and accurate elections.

Thank you so much for having me, again, and I look forward to your questions.

[The prepared statement of Secretary Simon follows:]

STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Steve Simon

Minnesota Secretary of State Steve Simon

Testimony before the United States Committee on House Administration

April 16, 2026

Chairman Steil, Ranking Member Morelle, and members of the committee. I appreciate the opportunity to share with you information about Minnesota's election system. Our state is proud of our system that is widely regarded, in Minnesota and across the nation, as fair, honest, and secure. I am eager in particular to talk about the work that is done in Minnesota to ensure that Minnesota's voter rolls are accurate and up to date.

At the outset I want to note that every state's system is slightly different. While we all are obviously required to comply with federal law, each state's procedures differ slightly. I'm pleased to be here with my colleague Secretary Scott Schwab, who may operate under different state laws, but who I believe shares the common goal of administering an accurate and trustworthy election system. I was privileged to succeed Secretary Schwab as President of the National Association of Secretaries of State (NASS).

With respect to Minnesota specifically, there are a variety of rigorous election security measures in place before, on, and after election day to ensure that our voter rolls are accurate and up to date.

I. Data sharing and verification

Eligible Minnesotans who submit a voter registration application must provide their name, birth date, address, signature, and driver's license or state identification card number when they register to vote. Minn. Stat. § 201.071, subd. 3. If they do not have a driver's license or state identification card, they must instead provide the last four digits of their Social Security number. *Id*. If they also do not have a Social Security number, they must submit a certification to that effect. Minn. R. 8200.9310, subp. 2. All applicants must also attest that they meet all the criteria to be eligible to vote, including that they are a United States citizen. Minn. Stat. § 201.071. Their information is then entered into Minnesota's statewide voter

registration system (SVRS), which is Minnesota's centralized statewide voter registration list - required under the Help America Vote Act (HAVA).

Voters who are registered through Minnesota's secure automatic voter registration system are only registered if they provide citizenship-affirming documentation at the time they apply for a state identification card or driver's license. Individuals who provide citizenship-affirming documentation are compared against the list of individuals ineligible due to guardianship or felony incarceration. If they do not appear on the list of those ineligible to vote, the individual is mailed a notice indicating they will be automatically registered unless they "opt out" or decline registration. Individuals have 21 days to decline registration, and if they do not decline, their information is then entered into SVRS.

After the applicant's data is entered into the SVRS, the Office of Secretary of State (OSS) verifies the applicant's identity by providing their name, date of birth, and driver's license or state identification card number to the Minnesota Department of Public Safety's Driver and Vehicle Services Division (DVS) or, if the applicant provided only the last four digits of their Social Security number, to the Social Security Administration (SSA). Minn. Stat. § 201.121. These two entities determine whether the information provided by the applicant matches the data in their respective systems and informs the OSS of the result. If the data cannot be verified, the OSS notifies the applicable county auditor, who attempts to again match the data against the DVS or SSA database. Minn. R. 8200.9310. If the county auditor cannot do so, they must attempt to contact the applicant to obtain the information necessary for verification. *Id*. If the applicant cannot be verified after 10 days, and they are not a first-time voter for federal office in Minnesota who is registering by mail, the county auditor must mark the applicant's registration as incomplete and challenge their record.[1] Minn. Stat. § 201.121. The applicant must then clear the challenge at least 21 days before the next election or at the polling place on election day before they are able to vote. *Id*.

If the applicant is a first-time voter in a federal election who is registering by mail, the county auditor must notify them that their application is incomplete. Minn. Stat. § 201.061, subd. 1a. The applicant must complete their registration by presenting a document authorized for election day registration either to their county auditor before election day; by registering to vote in person on election day; or by following the election day registration procedures for absentee voters. See *id*., subds. 1a, 3 (listing documents that satisfy this standard). The applicant may also choose to register to vote in person at any time.

[1] Information about the challenge process is available at Minnesota Statutes section 204C.12 and pages 34 and 35 of the OSS's election judge guide, available at https://www.sos.mn.gov/media/4905/election-judge-guide.pdf.

The county auditor also verifies the applicant's address by sending them a non-forwardable post card. Minn. Stat. § 201.121. If the card is returned as not deliverable with no permanent forwarding address, the county auditor must challenge the applicant's record.[2] *Id*. The county auditor may then send a second post card, no sooner than 60 days after the first one, to the same address. Minn. Stat. § 201.12 If the second notice is returned, the county auditor must inactivate the applicant's record. *Id*. If the post card is returned with a permanent forwarding address, the county auditor must inactivate the person's record and, if the new address is located in Minnesota, send a copy of the card to the county auditor where the new address is located. *Id*. The county auditor receiving the card must update the voter's information and again attempt to verify the applicant's address. *Id*. If the voter's new address is outside Minnesota, the county auditor must send a notice to the voter informing them that their record in the SVRS will be inactivated unless the voter notifies the county auditor within 21 days that they are retaining their former address as their permanent residence. *Id*.

If both the applicant's identity and address can be verified through this process, the applicant is registered to vote and listed as an active voter in the SVRS.

II. Voter list maintenance

In addition to the extensive safeguards taken above at the time of registration, Minnesota conducts regular list maintenance to ensure that only eligible people remain registered to vote.[3]

Minnesota's list maintenance process is the result of a close partnership between state and local election officials, who rely on extensive reporting from several agencies to update the records maintained in the SVRS. See Minn. Stat. §§ 201.13, .145. Those reports include:

- A monthly report from the Minnesota Department of Corrections listing the name, address, last known residential address that is not a correctional facility, and date of birth of all individuals ages 16 years or older who are ineligible to vote under Minnesota law because they are currently incarcerated for a felony offense;[4]

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[2] Individuals who register on election day are verified after the election and are referred to the county attorney for investigation and potential prosecution if they cannot be verified.

[3] Your letter references 52 U.S.C. § 20507, the National Voter Registration Act (NVRA). Minnesota is exempt from the provisions of the NVRA, but the Help America Vote Act (HAVA) incorporates some of the NVRA's list-maintenance requirements. 52 U.S.C. § 21083(a)(2)(A); see also *id*. § 20503(b)(2) (exempting states that had election-day registration in 1994). Therefore, this letter will discuss Minnesota's list maintenance program as it relates to HAVA.

[4] The OSS also receives periodic reports from the U.S. Department of Justice on individuals who have been convicted of federal felony offenses.

- A monthly report from the Minnesota Department of Health containing the name, address, date of birth, and county of residence for all individuals 18 years or older who have died since the previous report;
- A monthly report provided by the Electronic Registration Information Center (ERIC)[5] listing all the people on the Social Security Death Index since the previous report;
- A report provided each business day by the Minnesota State Court Administrator containing the name, address, date of birth, and, if available, the driver's license number, state identification card number, or the last four digits of the Social Security number of each individual who is either subject to a guardianship order prohibiting them from voting or who has been found legally incompetent to vote; and
- A monthly report from the Minnesota Department of Public Safety listing the name, address, date of birth, driver's license or state identification card number, and, if available, the last four digits of the Social Security number of each individual the Department of Public Safety has identified as having temporary lawful status in the United States.

Each agency submits its report to the OSS, which compares it with data in the SVRS to determine whether any person listed in the report is a registered voter. *Id*. If so, the OSS notifies the appropriate county auditor so they can review and take appropriate action. *Id*. The auditor must challenge the record of each individual who is incarcerated, subject to a guardianship order, legally incompetent to vote, or listed as possessing temporary lawful status. *Id*. They must inactivate the record of each individual who has passed away. *Id*. In addition, the auditor must refer any person who has been reported to have registered to vote while possessing temporary lawful status or voted while incarcerated to the county attorney. *Id*. Those cases are investigated for potential prosecution.

The OSS and its county partners also take extensive steps to update the SVRS when voters change their address or name. Each month, ERIC provides the OSS a list of voters who: (1) moved from Minnesota to another ERIC member state; (2) moved within Minnesota; or (3) filed a change of permanent address with the U.S. Postal Service. Minnesota also receives reports directly from non-ERIC member state election offices listing names of persons who have registered to vote in their new state and provided their previous Minnesota address as part of their registration. Any person appearing on any of the above lists has their record

[5] ERIC is a nonprofit, nonpartisan organization comprised of 25 states and the District of Columbia that provides data matching services to its members to help maintain accurate voter records. The ERIC member states are Alaska, Arizona, Colorado, Connecticut, Delaware, Georgia, Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Washington, and Wisconsin.

updated in the SVRS and their new address verified the same way as a person registering to vote for the first time. With regard to name changes, the OSS receives a daily report from the State Court Administrator containing the name, address, and driver's license or state identification card number of each individual 18 years or older who changed their name. Minn. Stat. § 201.14. The OSS notifies county auditors of this information, and county auditors update each individual's voter record. *Id*.

In addition, as part of Minnesota's automatic voter registration program, DVS provides the OSS with the addresses of all individuals who are eligible to vote and have provided documentary proof of citizenship when they applied for or renewed their driver's license or state identification card. Minn. Stat. § 201.161. The OSS compares that data to data stored in the SVRS. If any of those individuals are already registered to vote, but have reported a new address to DVS, their voter record is updated and their new address verified. *Id*. If the individual does not provide documentary proof of citizenship, then DVS is prohibited from sending the person's information to the OSS, and the person will not be registered to vote as part of this process.

The SVRS also has several safeguards in place to prevent and eliminate duplicate voter registrations. If a county election official enters a new voter record or modifies an existing record, the SVRS checks to see if the driver's license or state identification card number or name, address, and date of birth match another record in the system. If it does, the SVRS automatically generates an error message notifying the official they need to review the potential duplicate record before proceeding.

In addition, ERIC provides the OSS with a monthly report of all voters with duplicate registrations within Minnesota. The OSS distributes those names to the county auditor so they can remove the duplicate entries. County officials must also run an SVRS-generated report before and after each election that identifies potential duplicate registrations based on six different criteria, including name, address, driver's license number, state identification card number, and the last four digits of a Social Security number. County officials must compare all the data in the potential matches and merge any duplicate entries. And, at the end of each calendar year, the OSS inactivates any voter who has not voted or updated their registration in the previous four years. Minn. Stat. § 201.171.

This work to maintain accurate voter rolls is done by local election officials in Minnesota's 87 counties, and that work is supported on election day by hundreds of municipalities and by over 30,000 election judges. These Minnesotans that work to administer our elections are committed to safe, secure, and accessible elections for all eligible voters within Minnesota. And I am gratified to say that public trust in this system is exceedingly high, as

evidenced both by public opinion polling[6] and by the fact that Minnesota routinely leads the nation in voter turnout. As Minnesota's Chief Election Official, I am proud to oversee a system that provides broad access for eligible voters while maintaining the safeguards necessary to preserve fair and accurate elections.

[6] Ryan Faircloth, *Minnesota Poll: Most are confident in election system, think voting by mail is secure*, The Minnesota StarTribune, September 25, 2024. https://www.startribune.com/minnesota-poll-most-are-confident-in-election-system-think-voting-by-mail-is-secure/601151259

Chairman STEIL. Thank you very much, Secretary Simon.

Thank you both for being here.

I will now recognize myself to begin questions. We will then follow with the Ranking Member and go back and forth.

Let us start with basic principles. Do you both agree that noncitizens should not be voting in U.S. elections?

Secretary SIMON. Yes, Mr. Chairman.

Chairman STEIL. You agree with the principle. Let us dive in—I want to dive in with you, Mr. Simon—or Secretary Simon, if I can, on Minnesota's situation here.

Does Minnesota issue driver's licenses to illegal aliens?

Secretary SIMON. Mr. Chair, to noncitizens broadly. Those who are documented and undocumented, yes.

Chairman STEIL. Noncitizens broadly, including illegal aliens. Does it distinguish on the driver's license whether or not the individual is a citizen or not?

Secretary SIMON. Mr. Chair, no, it does not.

Chairman STEIL. No, it does not. Some States do; Minnesota does not.

If an individual comes to register day of in Minnesota, you allow same-day registration. Is that accurate?

Secretary SIMON. Correct.

Chairman STEIL. If an individual comes in and registers and was—there is no photo ID requirement on same-day registration in Minnesota. Accurate?

Secretary SIMON. Correct.

Chairman STEIL. An individual would not have to show their ID, and if they did not show their ID, it would not say whether or not they are a United States citizen?

Secretary SIMON. Mr. Chair, I am hesitating only because there are certain circumstances that might be different from that. I take the meaning of your question. Yes, it is not required.

Chairman STEIL. In Minnesota, you have a vouching opportunity as well.

Secretary SIMON. That is right.

Chairman STEIL. An individual who is registered to vote in Minnesota could show up with up to eight individuals and vouch for them. Is that accurate?

Secretary SIMON. Yes, but they are only vouching for where they live, not their citizenship or age. Only their residence.

Chairman STEIL. Because it is not—it is not asked, right? I mean, they would simply check a box that would say that they are a U.S. citizen. Is that accurate?

Secretary SIMON. As in almost every other State, yes.

Chairman STEIL. It is an attestation aspect. Where they live is what you could vouch for?

Secretary SIMON. Correct.

Chairman STEIL. An individual who is registered to vote in Minnesota could walk in with eight people from the Quality "Learning' Center, vouch that they live in Minneapolis, and those individuals would then be registered to vote, would be capable of casting a ballot. Is that accurate?

Secretary SIMON. Not quite. Almost. I would say they have to live in the same precinct and they have to swear an oath, and that is all——

Chairman STEIL. Well, they would have to swear to that, right? I mean——

Secretary SIMON. Right.

Chairman STEIL [continuing]. the one person could vouch for up to eight individuals——

Secretary SIMON. Correct.

Chairman STEIL [continuing]. that that is the case?

Secretary SIMON. Just as to residence, that is true.

Chairman STEIL. Right. Then the concern is whether or not people are doing this inaccurately. Let us look at a case that just came to the forefront in your home State of Minnesota. An individual from Fillmore County has now been charged with voting illegally.

Secretary SIMON. That is right.

Chairman STEIL. The individual was sent—according to the reports—was sent voter registration material following obtaining a driver's license, which is required under Federal law that the State of Minnesota does that. Is that correct?

Secretary SIMON. Actually, no, Mr. Chair, because we are NVRA-exempt.

Chairman STEIL. You are NVRA-exempt. Good qualification. They are sent in the State of Minnesota. Not required under Federal law. Most States are. You are NVRA-exempt. You do send voter registra—the State of Minnesota sends voter registration material to every individual that registers, that obtains a driver's license?

Secretary SIMON. No, Mr. Chair. Actually, that is not how the system works. I would just say, as to the news report you are flagging, this individual said things that—is reported to have said things that just are not true, that he was sent some sort of, you know, application. That is not the state of the law, was not the state of the law when he registered—is alleged to have registered to vote in 2023. I think he got that wrong.

But, no, we have a back-end AVR, automatic voter registration system, and the only folks who are eligible to even be in the pile to be considered to be registered to vote are those who produce citizenship-affirming documentation at the time they apply for that ID.

Chairman STEIL. What citizenship-affirming documentation would they provide?

Secretary SIMON. It could be naturalization papers, it could be a birth certificate, it could be a passport. Any person in Minnesota is entitled to do that. Again, they only get to the pile where they are even considered to be registered if they do that.

Chairman STEIL. Why would you not use the SAVE database in Minnesota?

Secretary SIMON. Well, in our——

Chairman STEIL. It is free, right?

Secretary SIMON. I think so.

Chairman STEIL. Now under—the Trump administration has made the SAVE database free.

Secretary SIMON. I think that is right. We have made the determination—every State has to make its own. I am not throwing shade on my colleague, Secretary Schwab. We have made the determination that it is not yet ready for use in Minnesota, and we would need a statutory change under Minnesota law to do so.

Chairman STEIL. You would need a statutory change under Minnesota law to allow you use the SAVE database.

Mr. Schwab, do you find value in the SAVE database?

Secretary SCHWAB. We do. Nobody wants a person who is deceased on their voter rolls. What happens is where you reside is not hard-and-fast where you can—you can live in—for example, I dealt with someone the other day that she lives in Oklahoma, but she is married to a soldier in Virginia, stationed in Virginia. She votes in Oklahoma. Well, if she were to die in Virginia, there is no way for us to know that she died there. They would stay on the voter roll.

Chairman STEIL. You find value in using the SAVE database?

Secretary SCHWAB. Yes. That is why we end up with so many, because we have not done this for over 10 years and these people had died in other States. Then we send it to the county. The county reaches out to the family or does research to find an obit.

Chairman STEIL. Cognizant of the time because I want to make sure all my colleagues get their questions in.

I think there is real value in the SAVE database, and I hope Minnesota makes the decision to utilize it.

I will yield back.

I will now recognize the Ranking Member, Mr. Morelle, for 5 minutes for questions.

Mr. MORELLE. Thank you.

Since we are here, I am going to skip ahead to a question I was going to ask later. Since we are on the topic, Secretary Simon, I understand Minnesota is a member of ERIC, which is a nonprofit organization that provides data matching. To the point that was just being made by Chairman Steil, I think it would probably be malpractice not to talk about Electronic Registration Information Center, known as ERIC, in these proceedings.

Can you tell—Minnesota is still a participant in ERIC; about 25 States are. Could you explain to the Committee the value of ERIC, particularly in the context of this State to State?

Secretary SIMON. Yes. Thank you, Representative. I mean, good data is the coin of the realm here, right? I think we all agree on that. Whether it is—a particular source is good or not, we agree that good data matters. We get really good data from ERIC, because it enables us across State lines to do very confidential anonymized matching. In other words, personal information is not disclosed as such. It is coded, it is shared in an anonymized way.

It enables us very consistently and effectively to find people who have moved to another State who are perhaps still registered in Minnesota. In rare cases, it enables us to find people who have double voted or attempted to double vote. Because of the scope and because of the routine data sharing, we find tremendous value in it.

The more States that are in it, the better, of course, but it is just about half of the States. We find it invaluable.

Mr. MORELLE. The example that was used from Oklahoma to—I forgot where the other—Virginia, maybe you said, Secretary Schwab—would not that—would not ERIC be a tool that would allow you to trace where people are and whether they would be eligible in one State or another?

Secretary SCHWAB. Representative, it would be a good tool. The problem is it is expensive, and we do not have the resources to join. The cost of ERIC is determined by member States.

Mr. MORELLE. Yes.

Secretary SCHWAB. I used to tell the folks there, if you can get California to join, then we can probably afford it because of the population of California. Then after other States, like Florida and Texas, left ERIC, it would just be too expensive.

Mr. MORELLE. Thank you. I appreciate your honesty in that.

Frankly, I would say this to that. This is where I think the Federal Government does have a role to play to defer costs that would make it easier for States to share data, to come together in a way that makes sense for all citizens. If we want to instill confidence in people, we should be investing resources.

$15 million for election security grants in this moment, to me, is—it is actually—I would almost have preferred zero, at least that is less embarrassing than $15 million, which would not pay for, frankly, anything. I am really disappointed in that number.

If I can, with my remaining time, Secretary Simon, you mentioned—and I think Minnesota turnout is consistently high, about 10 percent higher than the national average, if I am getting that right. What do you think you are doing, frankly, that helps encourage that kind of turnout?

Because, frankly, we should be looking at models that increase turnout across the country. Eighty million—pardon me for interrupting you before you even answer the question. Eighty million voting age-eligible Americans did not vote in the last Presidential election. That should be the national topic for conversation. How do we encourage those 80 million to join their fellow citizens in participating? Maybe you could give me a thought or two on what you think is particularly going well in Minnesota that would allow us to use it as an example.

Secretary SIMON. Sure. Thanks, Representative. I will never say no to an excuse to brag about our high voter turnout, which, by the way, goes back a long time. Decades. It does not matter whether Democrats or Republicans are in charge. We love to vote.

You know, I think it boils down, in my judgment, to two main things: good laws and a good pro-voter culture in Minnesota. As to the laws, we are all looking for the same thing, which is the perfect balance, if such a thing exists, between access and security. Access, meaning let us not make it an obstacle course unnecessarily. Security, meaning let us make sure that only eligible voters and no one else is taking advantage of that accessibility.

In terms of the culture, I think some of it is self-perpetuating. We are sort of a little bit competitive with other powerhouse States like, Mr. Chairman, Wisconsin, a perennial rival when it comes to sports and voter turnout. I think it is those two things, briefly, that explain our success.

Mr. MORELLE. I appreciate it.

Let me just close again by thanking you both and secretaries all around this country and local election administrators who I think are doing an amazing job.

Our job here should not be to tip the scales for a particular political party. Our job ought to make sure that the American voters have the opportunity to render their verdicts. Even when I do not particularly love the verdict they render, I have enormous respect for it, I have trust in the American people.

Before I yield, if I might just ask unanimous consent to enter into the record a statement from the dean of the Minnesota congressional delegation, Representative McCollum.

Chairman STEIL. Without objection.

[Appropriations Committee statement follows:]

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UNITED STATES
HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS

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SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

EX-OFFICIO MEMBER
PERMANENT SELECT COMMITTEE ON INTELLIGENCE

CO-CHAIR EMERITUS
CONGRESSIONAL NATIVE AMERICAN CAUCUS

Statement for the Record

Committee on House Administration April 16th, 2026

I want to thank the Committee for allowing me to submit my statement to the official hearing record. Secretary of State Steve Simon's tenure in the State of Minnesota has been marked by outreach and cooperation with our local officials, of all political affiliations, to protect and strengthen the right to free and fair elections. Each year, Minnesota consistently has the highest voter turnout in the country. Minnesotans are proud to actively participate in the Democratic process. I thank Secretary Simon, and his predecessors, for their stewardship of our state's elections.

The Constitution makes it clear; elections are to be administered by individual states. Last year, Trump attempted to require a passport or similar document to prove citizenship in order to vote. This unconstitutional order was struck down by the Courts in October. Just weeks ago, he issued Executive Order 14399 that falsely claims he has the authority to regulate a State's mail voting program. This unconstitutional order is being challenged in the Courts, and I am proud that Minnesota has joined this action.

Minnesota's elections are fair, open, and secure. Eligibility verification and list maintenance are taken very seriously. Our elections are run by 30,000 of our trusted friends from every level of local government. We know this. According to a poll conducted before the 2024 election, 79% of Minnesotans had confidence in the accuracy of our elections. Voter fraud and voting by non-citizens is exceedingly rare. A study done at the University of St. Thomas found that there were only three state convictions of green card holders voting in Minnesota elections between 2015 and 2024.

Today's hearing is an important one. The security of our elections should not be taken lightly. I am glad that Secretary Simon was invited today to inform the committee of our state's commitment to a secure democratic process. I look forward to working with Secretary Simon to ensure that Minnesota continues to be a leader in voter turnout and integrity.

PRINTED ON RECYCLED PAPER

Mr. MORELLE. I would also ask unanimous consent to enter into the record the following four items: a report by the Bipartisan Policy Center entitled "Modernizing Voter List Maintenance," which lays out evidence-based bipartisan approaches to addressing these concerns. Second, a report by the Institute for Responsive Government, Bipartisan Policy Center, and R Street Institute entitled, "United in Security: How Every State Protects Your Vote in 2026," which details the critical steps States take to secure voting systems and registration. A report by the States United Democracy Center entitled, "Report on the 'Election Oversight Group', Allegations About the 2020 Election in Fulton County, Georgia," which details the conspiracy theories that the administration is regrettably believing about election systems. Finally, a report by the Institute for Responsive Government, "'State Citizenship Lists' in Trump's March 31, 2026 Elections Executive Order," which details the absolute—pardon me—insanity of the citizenship list that the President's recent executive order attempts to impose on our States.

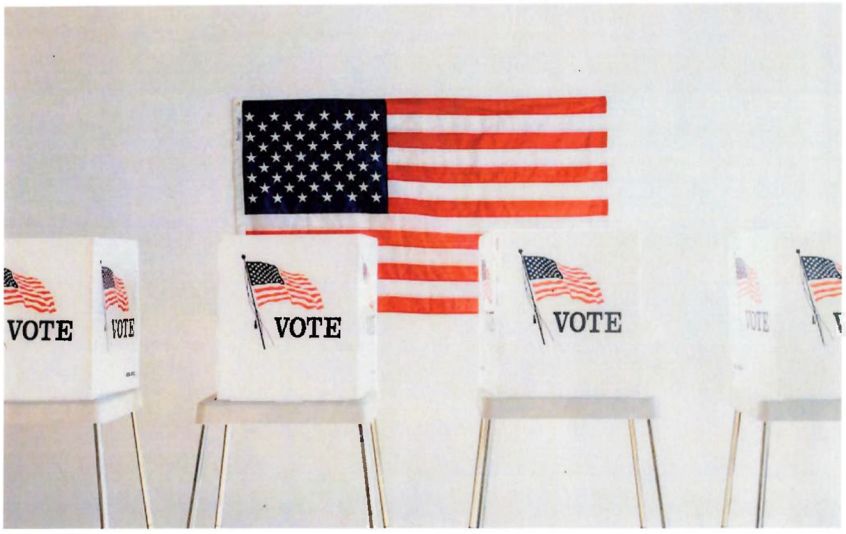
Chairman STEIL. Without objection.

[The information referred to follows:]

Bipartisan Policy Center

Modernizing Voter List Maintenance: An Evidence-Based Framework for Access and Integrity

Michael Morse, Rachel Orey, Joann Bautista



SEPTEMBER 2025

Executive Summary

Voter registration lists are widely regarded as the backbone of election administration. To keep these lists up to date, election officials are responsible for identifying when voters move, die, or otherwise become ineligible to vote. The bureaucratic process known as "list maintenance" has long been a quiet feature of election administration, but has come under increasing scrutiny in recent years. Some advocacy groups equate the removal of voter registrations with disenfranchisement, labeling it voter purging; others maintain that voter lists are plagued by errors, characterizing them as "dirty," and argue that registrations aren't being canceled often enough.

In reality, list maintenance doesn't need to be a trade-off between access and integrity. Rather, well-crafted, evidence-based policies can advance both goals simultaneously. This report discusses two of the most salient topics in list maintenance policy discussions today: **mobility** and **citizenship**.

Mobility and citizenship present fundamentally different types of problems for election officials. Although voters move frequently, audits have found that very few registered voters are not citizens. Nonetheless, identifying when voters move and verifying citizenship present similar types of administrative challenges for election officials, who must coordinate with other officials in their state, between states, and in the federal government to gather the most up-to-date information.

Drawing on Michael Morse's 2023 law review article, this report first addresses the recurring problem of voter mobility for list maintenance and suggests targeted reforms. It then turns to nascent efforts to verify the citizenship of voters, highlighting emerging challenges and urging caution to avoid premature policymaking.

A full list of challenges and solutions can be found in the table of contents below. Several of the most prominent and cross-cutting recommendations in the report include:

1. **Policymakers should revisit the balance between federal procedural protections and the quality of evidence that a voter has moved or is otherwise ineligible.**

   For voter mobility, lengthy procedural protections required under the National Voter Registration Act (NVRA) make it hard for election officials to act quickly on even high-quality evidence that a voter has moved from their jurisdiction.

   For citizenship, a relative lack of protections can mean that eligible voters get erroneously caught in efforts to identify and cancel noncitizen registrations.

2. **Election officials should explore data-sharing agreements with their department of motor vehicles to backfill Social Security numbers from voters' driver's license records.**

   Federal privacy law has historically limited the collection of Social Security numbers (SSNs) for election administration. As a result, election officials often lack a unique national identifier for voter records. In contrast, an exception to federal privacy law allows departments of motor vehicles to maintain both driver's license numbers and Social Security numbers. To correct this imbalance, several states have successfully partnered with their department of motor vehicles to backfill SSNs from voters' driver's license records.

   Increasing the availability of Social Security numbers to election officials will lead to better intra- and interstate matching of voter records and more accurate, timely lists. It will also make it easier for election officials to take advantage of systems like the Systematic Alien Verification for Entitlements (SAVE) system, run by the U.S. Citizenship and Immigration Services (USCIS). This change could also improve citizenship verification efforts in the future.

3. **State policymakers should invest in technology and modernizing infrastructure at both state election offices and departments of motor vehicles.**

   Driver's license transactions are one of the best opportunities for election officials to learn when a voter has moved, but outdated technology at motor vehicle departments and election offices limits timely, accurate registration updates. Investing in secure, interoperable systems would improve data sharing and reduce errors.

4. **Federal law should incentivize participation in an interstate data-sharing program that meets minimum standards for privacy, accuracy, and transparency.**

   Roughly 1 in 5 moves within the United States occur between states, making interstate data sharing crucial to the maintenance of accurate lists. And by centralizing data sharing and matching, interstate data-sharing programs often improve a state's internal list, as well.

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12 Keeping Up with Voter Mobility

13 Challenges

13 Voter mobility is high, and voters don't typically notify election officials when they move.

13 Many voters don't file change-of-address requests with the U.S. Postal Service. When they do, there isn't always sufficient information to match them with voter registration records.

14 Election offices and motor vehicle departments often rely on outdated systems, and coordination between them is frequently lacking.

17 Election officials often lack a unique national identifier for voters, which makes it challenging to identify voters who move to another state.

20 Procedural protections require election officials to keep voters on the rolls even when they have good evidence that the voter has moved.

21 **Solutions**

21 States should backfill full or partial SSNs from a voter's driver's license record.

22 States should modernize infrastructure and improve coordination between state agencies, in particular between departments of motor vehicles and election offices.

23 States should adopt online and automatic voter registration.

26 Federal law should calibrate the quality of evidence that a voter moved with the extent of procedural protections.

27 Federal law should incentivize election officials to update, rather than cancel, a voter's registration when they move.

29 States should join, and federal law should incentivize participation in, an interstate data-sharing program that meets minimum standards for privacy.

32 **Verifying Voter Citizenship**

34 **Challenges**

34 Many eligible voters don't have documentary proof of citizenship readily available.

36 Back-end verification at the state level often relies on records scattered across multiple agencies, many of which lack the technology needed for accurate, timely, and interoperable data sharing.

40 While promising, recent federal efforts to make the USCIS SAVE system a centralized source of citizenship information for election officials are nascent and untested.

49 Little consideration has been given to what procedural protections should be offered to voters flagged as noncitizens.

50 **Solutions**

50 Election offices may be able to leverage motor vehicle department records to determine citizenship status.

50 USCIS's SAVE system could help affirm citizenship when unclear.

51 Increasing the frequency of SSNs on voter registration lists may enhance election officials' ability to verify citizenship.

51 Policymakers should adopt safeguards that allow voters to affirm citizenship before removal.

52 Policymakers should support efforts by election officials, civil society, and researchers to identify practical approaches to citizenship verification before pursuing major policy changes.

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54 CONCLUSION

Introduction

Voter registration lists are widely regarded as the "backbone of election administration."[1] These lists serve multiple essential functions: They identify who is eligible to vote, assign voters to appropriate administrative precincts and political jurisdictions, and facilitate outreach efforts by election officials and campaigns alike.[2]

Drawing directly from and building on Michael Morse's 2023 law review article, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," this joint report seeks to clarify the often-misunderstood role of "voter list maintenance."[3] The term describes the process by which election officials identify when voters have moved, died, or otherwise become ineligible to vote, often by matching administrative data or coordinating across agencies.

List maintenance has come under increasing scrutiny in recent years. Some argue that bloated rolls are proof of fraud or mismanagement, while others warn that efforts to "clean" lists can veer into wrongful disenfranchisement. **We argue that list maintenance does not need to be a trade-off between voter access and election integrity, but rather that good list maintenance policy can advance both goals in tandem.**

Our report identifies the challenges that election administrators encounter in conducting list maintenance and outlines potential bipartisan solutions. We focus primarily on the challenges that voter mobility poses to list maintenance, an area with a well-established policy conversation and decades of ongoing research. We note that modest reforms to state administrative practice, state law, and federal law could improve both the accuracy and completeness of voter registration lists.

We then examine the growing pressure on election officials to verify voters' citizenship, an area with a rapidly growing but relatively nascent research and policy focus. As such, we urge caution when considering reforms relating to citizenship verification, and we encourage further research and deliberation before policymakers undertake significant policy changes.

1 Stephen Ansolabehere and Eitan Hersh, *The Quality of Voter Registration Records: A State-by-State Analysis*, working paper, Institute for Quantitative Social Science, Harvard University, and Caltech/MIT Voting Technology Project, July 14, 2010. Available at: https://vote.caltech.edu/documents/187/reg_quality_report_8-5-10.pdf

2 Ibid.; Daron Shaw, Stephen Ansolabehere, and Charles Stewart, "A Brief Yet Practical Guide to Reforming U.S. Voter Registration Systems," *Election Law Journal: Rules, Politics, and Policy* 14(1): 26–31, 2015. Available at: https://hdl.handle.net/1721.1/128555

3 Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 103: 2,123, 2023. Available at: https://ssrn.com/abstract=4396446

Task Force on Elections

This report is unanimously endorsed by the Bipartisan Policy Center's Task Force on Elections, a bipartisan group of state and local election officials from jurisdictions throughout the United States. As the public servants responsible for the day-to-day work of election administration, election officials have specialized knowledge of how the increasingly complex elections ecosystem functions. Their input is crucial to, yet is all too often excluded from, election policy conversations. The Task Force on Elections works to bridge that gap.

The Task Force on Elections includes 41 state and local election officials from 26 states who are devoted to making meaningful improvements to U.S. elections. The report builds on the task force's extensive body of work, including eight task force-endorsed reports on all aspects of election administration policy:

- Policy to Carry Us Beyond the Next Election
- Logical Election Policy
- Improving the Voting Experience After 2020
- Bipartisan Principles for Election Audits
- Policy to Advance Good Faith Election Observation
- Balancing Security, Access, and Privacy in Electronic Ballot Transmission
- Ballot Tabulators Are Essential to Election Integrity
- Closing Security Gaps in Poll Worker Policy

Although some members may have concerns about particular recommendations, their endorsement pertains to the set of recommendations as a whole.

In addition to the members listed below, this report was crafted with input from and the endorsement of the Task Force on Elections Advisory Council, composed of industry experts and former election officials from a variety of states and with different political affiliations.

Members of the task force are:

Christina Adkins	Director of Elections, Texas
Natalie Adona	Registrar of Voters, Marin County, California
Jacqueline (Jackie) Beaudry	City Clerk, Ann Arbor, Michigan
Noah Beck	Director of Elections and Registration, Polk County, Georgia
Seth Bluestein	City Commissioner, Philadelphia, Pennsylvania
Maureen Bugdon	Superintendent of Elections, Atlantic County, New Jersey

Bryan Caskey	Director of Elections, Kansas
Judd Choate	Director, Division of Elections, Colorado State Department
Katharine Clark	Clerk, Santa Fe County, New Mexico
Thomas Connolly	Deputy Executive Director, New York State Board of Elections
Isaac Cramer	Executive Director, Charleston County Board of Elections, South Carolina
Mark Earley	Supervisor of Elections, Leon County, Florida
Scott Erickson	County Clerk, Knox County, Illinois
Monica Evans	Executive Director, DC Board of Elections
Joanna Francescut	Assistant County Clerk/Registrar of Voters, Shasta County, California
Jennifer Garms	County Auditor & Commissioner of Elections, Clayton County, Iowa
Jackie Harris	Chief Deputy Registrar, Nelson County, Virginia
Ricky Hatch	Clerk Auditor, Weber County, Utah
Stuart Holmes	Director of Elections, Washington
Scott Jarrett	Director of Elections, Maricopa County, Arizona
Sarah B. Johnson	City Clerk, Colorado Springs, Colorado
Joseph Kirk	Election Supervisor, Bartow County, Georgia
Carly Koppes	Clerk and Recorder, Weld County, Colorado
Sara LaVere	Director of Elections, Brunswick County, North Carolina
Julie Leathers Stahl	Director, Wayne County Board of Elections, Ohio
Debra Lee	County Clerk, Laramie County, Wyoming
Brianna Lennon	County Clerk, Boone County, Missouri
Dana Lewis	Recorder, Pinal County, Arizona
Nicholas Lima	Registrar/Director of Elections, City of Cranston, Rhode Island
Amanda Lopez Askin	Clerk, Doña Ana County, New Mexico
Brian McKenzie	Clerk, Davis County, Utah
Kevin Mooney	Clerk, Bullitt County, Kentucky
Sherry Poland	Director of Elections, Hamilton County, Ohio
Justin Roebuck	Clerk and Register of Deeds, Ottawa County, and Chair of the Michigan Council of Election Officials, Michigan
Joe Rozell	Director of Elections, Oakland County, Michigan
Jamie Shew	Clerk, Douglas County, Kansas
Tammy Smith	Administrator of Elections, Wilson County, Tennessee
Michelle Tassinari	First Deputy Secretary, Director and Legal Counsel, Elections Division, Office of the Massachusetts Secretary of the Commonwealth
Eneida Tavares	Chair, Boston Election Commission, Massachusetts
Mandy Vigil	State Election Director, New Mexico
Meagan Wolfe	Administrator, Wisconsin Elections Commission

Current Framework for List Maintenance

In general, states are responsible for the bulk of election administration; however, the U.S. Constitution gives Congress the ultimate authority to set the "Times, Places and Manner" of federal elections.[4] Congress does not have the authority to regulate state elections, but in practice, states typically run "unitary elections"[5]—applying federal election law to state and local elections to avoid running separate elections under different legal frameworks.

The National Voter Registration Act (NVRA) of 1993 and the Help America Vote Act (HAVA) of 2002 are the two primary federal laws that govern voter registration and list maintenance. Yet, neither the NVRA nor HAVA addresses how election officials might share information about voters who move across state lines. Beginning in the early 2000s, state chief election officials took on the task themselves by forging their own "cross-governmental bureaucracies."[6]

Below, we summarize each element of the current framework for list maintenance.

NATIONAL VOTER REGISTRATION ACT

Congress wrote the NVRA to advance both voter access and election integrity.[7] The legislation sought to increase the number of eligible citizens registered to vote and to ensure that voter registration lists remained accurate and current.[8] In general, the NVRA:[9]

- **Establishes uniform methods for voter registration.**[10]
  - Individuals can simultaneously register to vote when they apply for a driver's license and update their registration when they update the address listed on their driver's license.[11] These provisions are often referred to as "Motor Voter."

4 U.S. Constitution, Article I, Section 4. For more on the constitutional allocation of election authority, see Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 103: 2,133-36, 2023. Available at: https://ssrn.com/abstract=4396446

5 Michael Morley, "Dismantling the Unitary Electoral System? Uncooperative Federalism in State and Local Elections," *Northwestern University Law Review Online*, 111: 103, March 2, 2016. Available at: https://ssrn.com/abstract=2742719

6 For the origin of the term, see Bridget A. Fahey, "Data Federalism," Harvard Law Review, 135: 1,007, 2022. Available at: https://harvardlawreview.org/print/vol-135/data-federalism/

7 For more on the NVRA's statutory framework, see Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 103: 2,138-44, 2023. Available at: https://ssrn.com/abstract=4396446

8 52 U.S.C. § 20501(b)

9 The NVRA exempts certain states with no registration requirement (North Dakota) or that had same-day voter registration on August 1, 1994, the day the law became effective (Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming). See 52 U.S.C. § 20503(b)

10 52 U.S.C. § 20503(a)

11 52 U.S.C. § 20504

- Individuals can also use a federal form to register to vote by mail, which states must "accept and use."[12]
- Finally, individuals can register to vote at designated sites, including all offices that provide public assistance or that primarily provide services to persons with disabilities.[13]

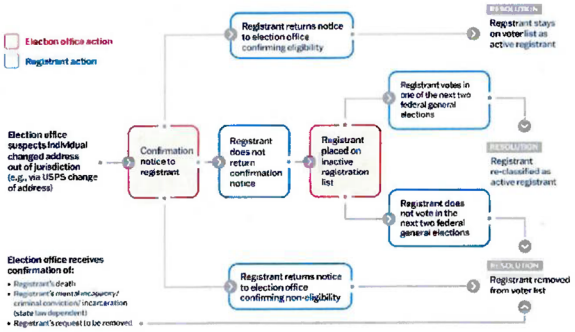
- **Establishes a "general program" for list maintenance.**
  - Election officials must "conduct a general program that makes a reasonable effort" to identify and remove registrants who become ineligible due to death or change of residence, although the NVRA does not mandate how this program must be structured.14
  - The NVRA establishes a detailed procedural framework specifically for election officials when they believe a registrant may have potentially moved:[15]
    - Election officials must send an official notice to confirm the move.
    - If a voter confirms their move, election officials can remove the registration immediately.
    - If a voter moves within the same registrar's jurisdiction, election officials must update the registration list accordingly and may not remove the voter from the rolls due to that change alone.
    - If no response is received, election officials cannot remove the registration immediately. Instead, election officials must allow the registrant to continue to vote until after the second general election since the initial notice. If the registrant does not show up to vote in the interim period, election officials may then remove the registration.

Figure 1 below summarizes the multistep list maintenance process for a change of address. It shows that the list maintenance process is substantially simpler in the event of a registrant's death, mental incapacity, criminal conviction, or request to be removed.

Figure 1 does not include what might happen if an election official determines that a particular registrant is not a citizen. As discussed in more detail below, the NVRA offers no specific framework for what constitutes evidence of noncitizenship and what protections should be offered to voters flagged as potential noncitizens.

12 52 U.S.C. § 20505(a)(1)
13 52 U.S.C. § 20506
14 52 U.S.C. § 20507(a)(4)
15 52 U.S.C. § 20507(d)

Figure 1: Election Assistance Commission's Summary of the NVRA's List Maintenance Process[16]



HELP AMERICA VOTE ACT

After the National Voter Registration Act became law, HAVA took partial steps toward centralizing voter registration.[17] Beginning in 2004, it required states to implement a single statewide electronic voter registration list.[18] As is relevant here, HAVA additionally:

- **Requires that each voter be assigned a unique identifying number in the state voter registration list.**[19] To facilitate this, HAVA requires that voter registration applications include the applicant's driver's license number (if they have been issued one) or the last four digits of their SSN if not.[20] It also outlines a special rule for voters who haven't been issued a driver's license or SSN.[21]

16 U.S. Election Assistance Commission, *Election Administration and Voting Survey 2024 Comprehensive Report* (2025), fig. 6, "The NVRA's Voter Registration List Maintenance Process," 149. Available at https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf.

17 For more on HAVA's statutory framework, see Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review* 103: 2,134–35, 2023. Available at: https://ssrn.com/abstract=4396446.

18 States that notified the Election Assistance Commission that they would not meet the January 1, 2004, deadline with good cause were given until January 1, 2006, to meet the requirement. 52 U.S.C. § 21083(d)(1)(A)–(B).

19 52 U.S.C. § 21083(a)(1)(A).

20 52 U.S.C. § 21083(a)(5)(A)(i).

21 52 U.S.C. § 21083(a)(5)(A)(ii).

- **Requires that each state's chief election official enter into an information-sharing agreement with their department of motor vehicles.**[22] The two state officials are required to match information in their respective databases to verify the accuracy of information provided on voter registration applications.
- **Requires the federal commissioner of Social Security to develop a process for verifying the accuracy of voter registration applications completed with SSNs.**[23] Given that departments of motor vehicles do not have information about voters without a driver's license number, HAVA requires that departments of motor vehicles coordinate with the Social Security Administration to verify an applicant's name, date of birth, and SSN, as well as whether they are deceased. Today, this function is carried out through the Help America Vote Verification (HAVV) system.[24]

ELECTRONIC REGISTRATION INFORMATION CENTER

As states adopted statewide electronic voter registration lists, state chief election officials began to take on the task of interstate data sharing themselves. They first established Crosscheck (a program elaborated in detail later in this report) and then the Electronic Registration Information Center (ERIC), which continues to operate today.[25]

ERIC is the largest interstate data-sharing program currently in operation. It operates as a nonprofit corporation run by member states via a set of bylaws and an accompanying membership agreement. Although ERIC membership has long been bipartisan, it has become politically controversial in some states in recent years.[26] Nonetheless, it still provides a helpful framework for understanding how such programs can work in practice.

At its core, ERIC supplements the bureaucratic capacity of election officials to conduct list maintenance both across and within states. In general, ERIC brings together multiple relevant data sources—including a state's voter registration and motor vehicle records, federal death records, and change-of-address requests filed with the U.S. Postal Service—to aid its members in fulfilling different list maintenance tasks, including identifying:

22 52 U.S.C. § 21083(a)(5)(B)(ii)

23 52 U.S.C. § 21083(a)(5)(B)(iii)

24 Social Security Administration, "SSA Open Data | HAVV Transactions by State," n.d., accessed July 13, 2025. Available at: https://www.ssa.gov/data/havv/

25 For a comprehensive account of both Crosscheck and ERIC, see Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 104: 2,145–61, 2023. Available at: https://ssrn.com/abstract=4396446

26 Carrie Levine, "States Withdrawals Weaken ERIC and Show Conspiracy Theories Taking Deep Root," *Votebeat*, March 13, 2023. Available at: https://www.votebeat.org/2023/3/13/23634072/eric-election-integrity-activists-clean-voter-rolls/

- Voters who moved from one state to another.
- Voters who have moved within the same state.
- Voters who have died within or outside of a state.

As discussed below, some of these tasks overlap with a state's obligations under the NVRA while others go beyond the federal framework.

List Maintenance Challenges and Solutions

This section outlines particular list maintenance challenges for election officials. Drawing on Morse's 2023 law review article, it first summarizes the recurring problem of voter mobility for maintaining accurate and complete voter registration lists. It then expands the focus to consider nascent efforts to verify the citizenship of voters.

We suggest particular reforms to address voter mobility and urge caution when considering nascent efforts toward citizenship verification.

KEEPING UP WITH VOTER MOBILITY

In the United States, a voter's registration is tied to their residential address because where we live determines which local, state, and federal officials represent us. The difficulty with local political districts, from an election administrative perspective, is that mobility can break the link between a voter's registration and their residence. In general, mobility can affect voter lists in two key ways:

1. It can result in **incomplete lists** in a voter's new jurisdiction.
2. It can leave **outdated records** behind in their former jurisdiction.

Although somewhat dated, the best available evidence suggests that about 25% of eligible citizens are not registered to vote and about 10% of voters are not registered at their current address.[27] Further, the majority of people who are no longer living at their registered address moved within the past year.[28] Below, we outline how mobility presents a series of interrelated challenges for election officials.[29]

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27 Simon Jackman and Bradley Spahn, "Politically Invisible in America," PS: Political Science & Politics, 54: 623–25, 2021, table 1 estimating the percentage of citizens who are registered, unregistered "unlisted," and "unlisted" by matching respondents in the 2012 American National Election Survey to nationwide commercial voter files.

28 Ibid., 626, fig. 1.

29 For a fuller discussion of these challenges, see Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 103: 2,162 SI, 2023. Available at: https://ssrn.com/abstract=4396446

Challenges

Voter mobility is high, and voters don't typically notify election officials when they move.

To start, Americans are highly mobile: In 2022 alone, approximately 28.2 million people (8.7% of the U.S. population) moved.[30]

But few voters request that their former jurisdiction cancel their registration when they move, nor are they required to. In fact, only 2.6% of all voter registration removals that occurred between 2022 and 2024 were triggered by a voter's request.[31]

Many election officials have acknowledged that relying on self-reporting by voters is not an effective way to update addresses. For example, in their 2022 annual list maintenance report, Virginia election officials noted that self-reporting "has not previously been an efficient method to remove voters" from the rolls.[32]

One explanation for the dearth of self-reporting is the lack of awareness about how voter registration updates work. According to the Cooperative Congressional Election Study of 2008, 1 in 4 voters wrongly believed their registration would be updated automatically when they moved, either by election officials or the Postal Service.[33] More than half were unaware that they could update their voter registration at state motor vehicle agencies.[34]

Many voters don't file change-of-address requests with the U.S. Postal Service. When they do, there isn't always sufficient information to match them with voter registration records.

Given voter behavior, the accuracy of voter lists depends on the availability and quality of administrative data about voters' current addresses.

The National Change of Address (NCOA) list is one of the most commonly utilized data sources for list maintenance.[35] The Postal Service compiles the NCOA list from change-of-address requests submitted by individuals. This list was designed to support efficient mail forwarding, but the NVRA encourages

30 U.S. Census Bureau, "Change in Marital Status Became More Common Reason for Moving from 2021 to 2022; Housing/Neighborhood Improvement Reasons Declined," November 1, 2023. Available at: https://www.census.gov/library/stories/2023/09/why-people-move.html

31 U.S. Election Assistance Commission, *Election Administration and Voting Survey 2024 Comprehensive Report*, fig. 7, "Three Removal Reasons Accounted for the Majority of the Voter Registration Removals," 153, 2025. Available at https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf

32 Virginia Department of Elections, "Annual List Maintenance Report," 2021. Available at: https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/2022-List-Maintenance-Report_final.pdf.

33 Pew Charitable Trusts, "Inaccurate, Costly, and Inefficient," February 14, 2012. Available at: https://www.pew.org/en/research-and-analysis/reports/2012/02/14/inaccurate-costly-and-inefficient-evidence-that-americas-voter-registration-system-needs-an-upgrade

34 Ibid.

35 U.S. Election Assistance Commission, *Election Administration and Voting Survey 2024 Comprehensive Report*, table 2, "States That Send Out Confirmation Notices Most Often Use the State Vital Statistics Office and Reports from Other States to Identify Ineligible Voters," 70, 2025. Available at: https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf.

election officials to use it for list maintenance, too.[36] Overall, **38 states** use the NCOA list to identify movers.[37]

Despite its importance, the NCOA list presents several challenges for election officials:

- Not all movers submit a change-of-address request, so many address changes are never captured in the NCOA list. For example, of all the voters identified as having moved out of Orange County, CA, less than a quarter had filed a change-of-address request with the Postal Service.[38]
- Election officials can find it difficult to confirm that a change-of-address record belongs to a specific voter.
  - Change-of-address requests do not include a voter's date of birth or their SSN.
  - For another, individuals can file a single change-of-address request for an entire household, making it difficult to tie a change-of-address to an individual voter.
- Some voters who file a change-of-address request do not intend to update their registration.
  - The change-of-address form does not notify voters that their request could affect their registration, so some simply want to redirect their mail without realizing that election officials may interpret the request as a signal to alter their voter registration status.
  - Further, individuals might file a temporary change-of-address (for example, if traveling or living elsewhere for a prolonged but temporary period) and do not intend to change their voter registration.

These limitations illustrate a broader challenge in modern list maintenance: Election officials must rely on third-party data sources that were not designed for election administration.

Election offices and motor vehicle departments often rely on outdated systems, and coordination between them is frequently lacking.

The National Voter Registration Act envisions motor vehicle departments serving an important role in election administration, particularly for voters who do not communicate a move directly to election officials or to the Postal

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36 52 U.S.C. § 20507(c)(1)

37 U.S. Election Assistance Commission, *2024 Policy Survey*, version 1.0, released June 30, 2025. Available at: https://www.eac.gov/research-and-data/studies-and-reports; author's analysis of Q19_11 data.

38 Orange County Registrar of Voters, *2020 Voter List Maintenance Report*, graph 2, "Cancellation by Method," 10, 2020. Available at: https://ocvote.gov/election-library/docs/2020%20Voter%20List%20Maintenance%20Report.pdf

Service. Indeed, the majority of voter registration transactions originate at a motor vehicle agency.[39]

In theory, the NVRA's Motor Voter provisions should allow election officials to capture most in-state moves because voters typically do update their driver's license—even if they are unlikely to report a move directly to election officials or to file a change-of-address request. In fact, state law often requires individuals to update their driver's license when they move.[40] In practice, the connections between departments of motor vehicles and election offices are technologically and administratively fragmented, leading voter registration lists to miss many in-state moves.[41]

Morse (2023) suggests that data from ERIC provides evidence of problems with this aspect of the National Voter Registration Act. As is relevant here, ERIC helps member states identify in-state moves by comparing voter registration records and driver's license records from the same state. Since its launch in 2013, ERIC has identified **over 28 million individuals** who were registered to vote at an address that was less current than the address on their driver's license.[42] Under Motor Voter, we would expect most of these address changes to have been transmitted directly to election officials for an update unless the voter opted out from doing so.

It is unclear what is driving this shortfall, but it's possible that outdated infrastructure and poor coordination play a key role.[43] As one member of BPC's task force explained, the problem often stems from the fact that a motor vehicle department change-of-address record doesn't always match up neatly with the information in a voter registration record. In some cases, the prior motor vehicle department address doesn't correspond to the voter's registration address, and not all voter records contain a driver's license number—or if they do, the number may have changed—making it difficult to confidently link the records.

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39 U.S. Election Assistance Commission, *Election Administration and Voting Survey 2024 Comprehensive Report*, fig. 3, "Registration Transactions from Motor Vehicle Offices and Automatic Voter Registration Account for More than Half of Registration Transactions," 138, 2025. Available at: https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf

40 For example: "Residents of Pennsylvania are required by law to report their change of address within 15 days of moving." Pennsylvania Department of Transportation, "Moving within PA," accessed August 15, 2025. Available at: https://www.pa.gov/agencies/dmv/resources/relocation/moving-within-pa

41 See Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 103: 2,143, 2023. Available at: https://ssrn.com/abstract=4396446

42 "Statistics," ERIC Inc., 2025, accessed July 9, 2025. Available at: https://ericstates.org/statistics/

43 Morse, "Democracy's Bureaucracy," 2033, also noted that some Motor Vehicles Departments may be failing to fulfill their NVRA obligations. Presidential Commission on Election Administration, *The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration* (Washington, DC: Presidential Commission on Election Administration, 2014), 17 (detailing ways in which DMVs create obstacles to transfer of registration data and cause preventable inaccuracies in voter registration lists). Over a series of subsequent reports, Stuart Naifeh documented the continued lack of motor voter compliance. For example, in his 2014 survey, some state DMVs did not properly treat the change of address procedure as an opt out procedure and some election officials only updated the voter's registration address when they moved within a county, but not across counties. Stuart Naifeh, *Driving the Vote* (New York: Demos, 2015), 40, table 4 (identifying which states use opt out or opt-in procedure); ibid., 42, table 5 (identifying how different states treat address changes). Naifeh recently confirmed the latter problem was still an issue. Stuart Naifeh, *Keeping Pace with Motor Voter* (New York: Demos, 2021), 15 (identifying a state which, in 2018, had approximately 400,000 voter registrations with addresses not matching records kept by DMV).

Underpinning this challenge is the reality that many motor vehicle agencies are relying on computer systems that were built in the 1960s and 1970s—long before voter registration became an important part of motor vehicle departments' mission and which use outdated and unsupported programming languages.[44] Outdated infrastructure makes obtaining and transmitting accurate voter information to election offices all the more challenging.

Across the country, motor vehicle departments face similar challenges. One member of BPC's task force noted that although their state is exempt from the NVRA, "many of the challenges and issues that plague most states affect us, too. We don't get a 'pass.' [Our department of motor vehicles' information system] is outdated and operates on a COBOL/CICS mainframe system that is impossible to maintain. Legislators kicked the can down the road for many years before finally agreeing to fund a wholesale upgrade."

Technological limitations aren't limited to motor vehicle departments; the platforms that election officials utilize for their statewide, computerized lists are often just as outdated.

For example, Pennsylvania's Statewide Uniform Registry of Electors (SURE), built in the early 2000s, has long been criticized for unreliability. A 2019 performance audit conducted by the state's auditor general found that "voter record information is inaccurate due to weaknesses in the voter registration application process and the maintenance of voter records in the SURE system."[45] The audit cited missing or inadequate features that lead to what would otherwise be avoidable errors, including:

- No prevention of applications with non-Pennsylvania residential addresses.
- Lack of geographical mapping to ensure applications are sent to the correct county.
- No "Read Only" feature for voter information that should not be edited without additional supervisory review and approval, such as birth date and SSN.
- No controls to prevent improper cancellations within 90 days of an election.

American Association of Motor Vehicle Administrators, "System Modernization Best Practices," May 2017. Available at https://www.aamva.org/getmedia/2c300624-1ddc-4bf1-8b99-5c71763cabaa/System-Modernization-Best-Practices.pdf

Department of the Auditor General, "Performance Audit Report: Department of State – Statewide Uniform Registry of Electors," Commonwealth of Pennsylvania, 2019. Available at https://www.paauditor.gov/wp-content/uploads/audits-archive/Media/Default/Reports/Department%20of%20State_SURE%20Audit%20Report%2012-19-19.pdf

As Votebeat reported, "Local election officials complain that the system is outdated and has a tendency to crash, sometimes in the critical period just before an election when counties need it the most."[46]

Pennsylvania's Department of State has been working for years to upgrade the SURE system, but that upgrade has been mired in difficulty:[47]

> *"The department initially sought bids to replace SURE in 2019, and in December 2020 it signed a $10.7 million contract with South Dakota-based elections software company BPro Inc."*
>
> *"The project was scheduled to wrap up by early 2023, so that the new system would be in place for the 2024 presidential election. But delays pushed the projected rollout into this year. In December 2023, the company and the Department of State agreed to cancel the contract, the department said, after it concluded that the company 'will not meet those timelines and contractual standards,' according to an email sent to counties at the time."*

The Department of State has since signed a contract with a new vendor, but the difficulty it faced identifying a vendor that can meet all necessary requirements highlights the sheer complexity of upgrading a voter registration system.

Challenges created by antiquated motor vehicle department and election office systems are compounded when those systems must interact. An audit of Arizona's voter registration system commissioned by Arizona Gov. Katie Hobbs reported that "voter registration and [motor vehicle department] business practices are both complex, highly regulated areas that serve distinct purposes. Throughout our historic review, we found that statutory changes in one area failed to contemplate the challenges imposed by the changes to the other."[48]

Election officials often lack a unique national identifier for voters, which makes it challenging to identify voters who move to another state.

Roughly 1 in 5 moves within the United States occur between states.[49] But the lack of a unique, national identifier for voters makes identifying cross-state moves more difficult than in-state moves.

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46 Carter Walker. "Pennsylvania Signs New Contract to Upgrade SURE Voter Registration System. Votebeat. March 5, 2025. Available at: https://www.votebeat.org/pennsylvania/2025/03/05/sure-upgrade-voter-registration-system-new-contract-signed/

47 Carter Walker. "Replacing PA's Outdated Voter Registration System Months Behind Schedule." *Spotlight PA*. January 30, 2025. Available at: https://www.spotlightpa.org/news/2025/01/pennsylvania-election-voter-registration-system-delayed-upgrades/

48 Arizona Motor Vehicle Division, in consultation with Robyn Stallworth Pouquette, former Yuma County Recorder, and Patty Hansen, former Coconino County Recorder, *Report on Audit of MVD's Authorized Presence Policy and Data for Voter Registration Purposes*, prepared for the Office of the Arizona Governor Katie Hobbs. January 31, 2025. Available at: https://s3.documentcloud.org/documents/25510724/hobbs-mvd-audit.pdf

49 U.S. Census Bureau. "Change in Marital Status Became More Common Reason for Moving from 2021 to 2022, Housing/Neighborhood Improvement Reasons Declined." November 1, 2023. Available at: https://www.census.gov/library/stories/2023/09/why-people-move.html

By design, Social Security numbers could serve as a unique identifier that transcends state lines. However, the Privacy Act of 1974 prohibits government agencies from denying services based on an individual's refusal to disclose their full SSN.[50] Even in the absence of a full Social Security number, the combination of name, date of birth, and last four digits of an SNN (SSN4) can also be a reliable way to distinguish between distinct individuals.[51] However, as summarized above, HAVA prioritized the collection of a voter's driver's license number over their SSN4 to accommodate privacy concerns.

As a result, many voters do not have a full or partial SSN associated with their registration record.[52] For example, **just 66% of voters** in Wyoming have an SSN4 associated with their record.[53] One county in Iowa reported that **only 56% of voters** have a full or partial SSN associated with their record, and that number is likely similar across the state.[54]

Making matters worse, there is no national standard for how states structure their voter lists. Fields such as name formatting, address conventions, and even the definitions of dates vary from one state to another. This lack of a uniform, interoperable template makes comparing or integrating records across jurisdictions difficult and resource intensive. Without consistent "latest activity" dates, for example, it becomes difficult to identify which state a voter should be registered in if it's unclear where their most recent address change was.[55]

In the absence of a national identifier or a consistent record structure, cross-state comparisons tend to overestimate the prevalence of duplicate registrations while occasionally missing actual duplicates. This is especially the case when publicly available voter lists are compared, because they typically lack identifiers such as an SSN4 or a date of birth.[56]

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50 Privacy Act of 1974, Pub. L. No. 93-579, § 7(a), 88 Stat. 1896, 1909.

51 Sharad Goel, Marc Meredith, et al., "One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections," *American Political Science Review*, 114(2): 456–69, March 6, 2020. Available at: https://doi.org/10.1017/s0003055419000877

52 One state reported to BPC that its voter registration system doesn't even have the capability to store both a driver's license or ID number and an SSN for a voter; officials must enter one or the other.

53 Email interview by the authors with Debra Lee, Laramie County clerk, WY, July 2025.

54 Email interview by the authors with an Iowa county clerk, August 2025.

55 For more "uniformity obstacles," see Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 103: 2367, 2023. Available at: https://ssrn.com/abstract=4396446.

56 "States have varied requirements on who is eligible to request a list of voters, what information the list contains, what information is kept confidential and how the information contained in voter lists may be used. The availability of voter lists for campaign purposes is longstanding; candidates benefit from knowing who their party's voters are. However, not every record is publicly available." National Conference of State Legislatures, "Access to and Use of Voter Registration Lists," updated July 17, 2025. Available at: https://www.ncsl.org/elections-and-campaigns/access-to-and-use-of-voter-registration-lists.

Case Study: Crosscheck

The now-defunct Interstate Voter Registration Crosscheck Program (Crosscheck) offers a cautionary tale about what can go wrong when voter data is compared across states without a unique identifier.

Crosscheck was designed to identify voters registered in multiple states by comparing records using only basic fields: first name, last name, and date of birth. Social Security numbers were not required and often unavailable; only "roughly a third" of Crosscheck records had SSN4.[57]

The program's shortcomings are detailed in Goel, Meredith, et al. (2020).[58] Table 1 reproduces one part of their analysis showing that Crosscheck identified 100,140 pairs of registrations between Iowa and participating states with the same first name, last name, and date of birth in 2012.

Figure 2: Goel, Meredith, et al. Study of Crosscheck Results between Iowa and Participating States

Which information matched?				How many matches?			
Required			Optional	2012		2014	
First	Last	DOB	SSN4	#	%	#	%
Yes	Yes	Yes	Not Possible	65,240	65%	90,378	65%
Yes	Yes	Yes	Yes	25,987	26%	34,189	25%
Yes	Yes	Yes	No	8,913	9%	14,766	11%

The first row shows that 65,240 pairs, or 65%, did not have SSN4 information for either matched registration. As a result, election officials could not easily confirm whether these registrations were duplicates or simply shared the same name and birthdate. When SSN4s were available in both records, only 74% of those pairs matched on SSN4, indicating that about a quarter of name-and-birthdate matches were actually distinct individuals.

This illustrates the central risk of comparing lists across states without sufficient matching information: Comparing voter lists without a unique identifier is likely to generate hundreds of thousands of false positives, giving the illusion of duplicate registration and voting where it doesn't exist.

57 Kris Kobach, testimony on the Interstate Voter Registration Crosscheck Program before the Presidential Commission on Election Administration, September 20, 2013, 35. Available at: https://web.mit.edu/supportthevoter/www/files/2013/11/PCEA-Cincinnati-Public-Meeting-Transcript-Day-2.pdf, archived at https://perma.cc/FS58-DBGY

58 Sharad Goel, Marc Meredith, et al., One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections, *American Political Science Review* 114(2): 456–469, May 2020. Available at https://doi.org/10.1017/S0003055419000837X

Procedural protections require election officials to keep voters on the rolls even when they have good evidence that the voter has moved.

Even when election officials have credible evidence that a voter has moved, the NVRA constrains officials' ability to act on it swiftly.

One of the most significant omissions in the NVRA is its failure to define a **minimum substantive standard** for list maintenance. In *Husted v. A. Philip Randolph Institute*, the Supreme Court clarified that the NVRA requires no "particular quantum of evidence of a change of residence" to begin the cancellation process.[59] As a result, there is no legal distinction between weak indicators that a voter moved—such as undeliverable mail or nonvoting—and more robust indicators, such as address matches through ERIC or state motor vehicle records.

Lacking substantive standards, the NVRA uses **procedural protections** to guard against disenfranchisement. Before election officials remove any voter from the rolls because of a suspected move, they first send a notice to confirm the change of address. The problem is that the vast majority of voters (69.7%) do not return confirmation notices.[60] When that happens, election officials must typically wait between two and four years to remove the voter from the rolls—the period from the mailing of the notice to the second general federal election.

In theory, the extended delay offers voters another opportunity to confirm their address by voting in the interim elections. In practice, lists remain artificially inflated long after voters have moved. In Michigan, for instance, election officials reported 8.2 million registered voters in 2022, even though only 7.6 million residents were old enough to vote. The explanation is benign: Approximately 11% of the list is composed of registrants in the slow process of removal under the NVRA's timeline.[61]

The consequences are twofold:

1. Many on the left have understandably little confidence in a list maintenance process that lacks a minimum substantive standard and fear that the NVRA's procedural protections may be too weak to prevent wrongful removals. From this perspective, a voter might be removed from the rolls because they failed to vote in an election and did not respond to a subsequent confirmation notice.

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[59] 138 S. Ct. 1833, 1847 (2018).

[60] U.S. Election Assistance Commission, *Election Administration and Voting Survey 2024 Comprehensive Report*, table 1, "Most Confirmation Notices Sent Were Unreturned by Voters," 151, 2025. Available at: https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf.

[61] Malachi Barrett, "Inflated Voter List Is a Feature, Not a Bug of How Michigan Cleans Voter Rolls," *BridgeDetroit*, October 29, 2024. Available at: https://www.bridgedetroit.com/inflated-voter-list-is-a-feature-not-a-bug-of-how-michigan-cleans-voter-rolls/

2. Many on the right have criticized "bloated" voter registration lists that result from the lengthy delay created by procedural protections. The bloat has fueled false narratives about voter fraud and spurred lawsuits, especially in jurisdictions where the number of registered voters approaches or exceeds the voting-age population. These claims, while largely unfounded, can nonetheless erode trust in election systems.

Solutions

Improving the accuracy and completeness of voter registration records, particularly in the context of high mobility, requires coordinated action across all levels of government. Election officials, state policymakers, and members of Congress each have distinct but complementary roles to play.

Here, we present a road map for reform: We focus first on changes that state officials can make administratively under existing law, such as strengthening interagency data sharing. We then turn to solutions that may require state legislation, including online and automatic voter registration. Finally, we outline reforms that depend on federal legislative action, such as better calibrating the quality of evidence that a voter moved with the extent of procedural protections required by the NVRA.[62]

States should backfill full or partial SSNs from a voter's driver's license record.

As outlined above, federal privacy law limits the ability of election officials to collect voters' full or even partial SSNs. In contrast, federal privacy law specifically allows motor vehicle departments to collect Social Security numbers.[63]

One way to address the lack of SSNs without requiring changes to federal law is for states to pursue formal agreements, such as a Memorandum of Understanding (MOU), with their motor vehicle departments to backfill missing Social Security numbers into voter registration systems. Doing so would make it easier to identify in-state duplicates and merge records from both in-state and out-of-state sources.

In general, the Driver's Privacy Protection Act (DPPA) limits the disclosure of "personal information [...] obtained [...] in connection with a motor vehicle record."[64] However, states can leverage the "governmental-function exception" to share personal information, including SSNs, for official use in compliance with federal law.[65]

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62 For more discussion of some of these solutions, see Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review* 103: 2,181-97, 2023. Available at https://ssrn.com/abstract=4396446

63 42 U.S.C. § 405(c)(2)(C)(i). For more on the implications of federal privacy law for list maintenance, see Morse, "Democracy's Bureaucracy," 2,163-81.

64 18 USC 2721(a)

65 18 USC 2721(b)(1)

Importantly, states cannot rely on ERIC to backfill SSNs in voter registration records. That's because voter registration and driver's license records are hashed separately—a process that converts sensitive data into unique, anonymized codes—before they are submitted to ERIC. Because the hashing process is irreversible, ERIC cannot recover or insert SSNs into voter records for election officials. As such, the model of having motor vehicle departments share SSNs with the state election office is necessary, even in ERIC member states.[66]

Although SSN prevalence can be low and inconsistent, it is often above 99% in states that already work with their state department of motor vehicles to recover SSNs for voters. For example:

- **Colorado** has built a strong partnership between its motor vehicle department and state election office. By joining motor vehicle department data with voter records, **99.4%** of voter records in Colorado contain a full or partial SSN.[67]
- Counties in **Missouri** follow a similar approach. Officials from Boone County report that the county has a full or partial SSN on file for **99.6%** of its voters.[68]
- One western state reports having a partial SSN on file for **99.8%** of active voters, thanks to automatic voter registration and a strong data-sharing partnership with their department of motor vehicles.[69]

Morse (2023) also proposed trimming the scope of federal privacy protections to enable election officials to collect partial SSNs from voters in the first place.[70] But in the absence of such reform, using the DPPA's governmental-function exception serves as a more immediate, practical path forward that does not require changes to federal law.

States should modernize infrastructure and improve coordination between state agencies, in particular between departments of motor vehicles and election offices.

Although federal law already requires motor vehicle agencies to offer voter registration services, the effectiveness of that requirement hinges on the strength of coordination between state agencies.

Modernizing system infrastructure is a key part of the solution, but it is also a significant undertaking. As the American Association of Motor Vehicle

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66 One interesting model was seen in Georgia, where the state's ERIC-authorizing legislation specifically required the motor vehicle department to share required data (including SSNs) with the Secretary of State, who then shares it with ERIC. Georgia Code § 21-2-225

67 Judd Choate, Colorado State Elections Director, email interview by author, June 2025.

68 Brianna Lennon, Boone County Clerk, MO, email interview by author, July 2025.

69 Email interview by author with state election director from western state who wished to remain anonymous, August 2025.

70 Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 103: 2, 181-84, 2023. Available at: https://ssrn.com/abstract=4396446

Administrators cautions: "The journey into modernizing legacy systems takes significant time, money, and resources, and failure or project closure without completion is at an all-time high."[71] This reality underscores the need for careful planning, sustainable funding, and stakeholder buy-in before modernization efforts begin.

Technology upgrades must be paired with strong interagency communication, which can also improve the quality of data sharing in the absence of technology upgrades. Agencies should establish regular touchpoints between IT staff and program administrators, create shared training for employees who handle voter registration transactions, and adopt clear, documented data protocols. Joint working groups or steering committees involving both motor vehicle department and election office staff can help ensure that when one agency updates its processes or systems, the other is prepared to adapt.

System modernization requires sustained financial investment. States must adequately fund not only efforts to replace outdated systems but also to maintain and staff them.

States should adopt online and automatic voter registration.

Morse (2023) notes that many people who submit an application to register to vote are already registered but at a prior address yet to be updated by election officials.[72] As a result, improving voter registration opportunities can reduce the burden on election officials to correct outdated addresses.

Both online voter registration (OVR) and automatic voter registration (AVR) can improve the accuracy of voter registration lists, reduce administrative costs, and make the registration process more inclusive.[73] One member of BPC's task force reported that, without OVR or AVR, "list maintenance is nonstop, time intensive, and inefficient."

OVR

Online voter registration has become the expected norm for voters in the digital age. Arizona became the first state to offer paperless registration in 2002, and today, 42 states and the District of Columbia offer voters the ability to register online.[74] When voters directly input their registration information, the likelihood of transcription errors drops significantly, eliminating problems introduced by illegible handwriting or manual data entry from paper forms. Due to a lack of OVR, one task force member shared that "our data are error-

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71 American Association of Motor Vehicle Administrators, "System Modernization Best Practices," May 2017. Available at: https://www.aamva.org/getmedia/2c300624-1ddc-4bf1-8b99-5c71763cabaa/System-Modernization-Best-Practices.pdf.

72 See Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 103: 2,110 and n.75, 2023. Available at: https://ssrn.com/abstract=4396446.

73 For a review of the relevant political science literature, see Seo Young Silvia Kim, Marc Meredith, et al., *The Future of Voter Registration, Access, Accuracy, and Cost* (Cambridge, MA: MIT Election Data and Science Lab, 2023). Available at: https://electionlab.mit.edu/sites/default/files/2023-10/voter-registration.pdf.

74 National Conference of State Legislatures, "Online Voter Registration," updated January 30, 2025. Available at: https://www.ncsl.org/elections-and-campaigns/online-voter-registration

prone as the system relies on clerical entry performed by election staff and poll workers, most often from voters' handwritten applications."

OVR also facilitates more frequent updates to existing voter records, leading to more accurate and timely lists. In Orange County, CA, for example, online voter registration is the most common source of updates to a voter registration record.[75]

AVR at departments of motor vehicles

Recent studies have highlighted the value of implementing automatic voter registration at motor vehicle agencies. AVR builds on the promise of Motor Voter by flipping the default: Rather than asking voters if they want to register, AVR presumes registration and gives individuals the option to decline. AVR not only helps register new voters but it also facilitates more regular registration updates, creating more accurate lists. That's because registration applications at the motor vehicle department not only serve as first-time applications but can trigger an update to an existing voter's record as well.

For example, after adopting AVR in 2023, Pennsylvania more than doubled the number of registration applicants processed through PennDOT.[76] Of the 341,297 approved applications, the majority (55%) were updates to an existing voter record.

Although voters are already given the option to register at the motor vehicle department under the NVRA, behavioral science research indicates that most people stick with the default option. Justin Grimmer and Jonathan Rodden (2022) found that before AVR was implemented, roughly 70% of Colorado's unregistered population declined the opportunity to register (or to update their registration) during motor vehicle transactions.[77]

But after Colorado implemented a new approach to AVR—where eligible individuals were registered automatically and then given the option to decline later by mail—the state saw significantly higher registration rates: Grimmer and Rodden found that Colorado's reforms led to as much as 38 additional voter registrations per 100 unregistered motor vehicle department patrons, and only 0.6% of all individuals who were registered to vote automatically returned a mailer to decline their registration.

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75 Orange County Registrar of Voters, *2020 Voter List Maintenance Report*, appendix A, 38, 2020. Available at: https://ocvote.gov/election-library/docs/2020%20Voter%20List%20Maintenance%20Report.pdf

76 "A total of 463,179 AVR applications were submitted through PennDOT in 2024, compared to PennDOT's pre-AVR submissions of 224,464 voter registration applications in 2022, and 187,588 in 2020. A total of 154,177 new registrations were processed and approved by county election offices, and 187,120 voter record updates were processed in 2024." Pennsylvania Department of State, *Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly*, June 30, 2025, 30. Available at: https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf

77 Justin Grimmer and Jonathan Rodden, *Changing the Default: The Impact of Motor Voter Reform in Colorado*, January 2022. Available at: https://www.sos.state.co.us/pubs/newsRoom/pressReleases/2022/CO-AVRAnalysisRoddenGrimmer.pdf

Grimmer and Rodden's study makes clear that "as long as non-registration is the default option or registration is only a weak default, even a well-designed motor vehicle department process with diligent implementation by motor vehicle department personnel might allow a surprisingly large group of eligible people to pass through without registering to vote."

By capturing both new registrations and timely address changes, AVR can improve both the accuracy and completeness of voter registration lists.

AVR at Medicaid and other public offices

While motor vehicle departments capture a large share of address updates, focusing exclusively on motor vehicle transactions will leave gaps in voter registration and list maintenance. Many low-income, young, and elderly voters are less likely to interact with motor vehicle departments but do regularly interact with public assistance agencies.[78]

The Institute for Responsive Government urges expanding automatic voter registration to Medicaid offices, which already verify citizenship status and are considered voter registration agencies under the NVRA.[79] The institute's 2024 report found that Medicaid AVR could reach 750,000 individuals in Colorado alone, and up to 85% of the unregistered population in Oregon. It is not clear how many current voters would be reached, but expanding automatic voter registration to Medicaid offices would likely increase the frequency of address updates for harder-to-reach populations.

Although this proposal is promising, it is a long way before Medicaid and other public assistance offices would be able to seamlessly register patrons to vote. One BPC task force member noted that federal law has prevented public health agencies in their state from implementing AVR. In general, federal privacy law restricts the use of applicants' data to health care purposes, and the federal government has not granted states a waiver to use the information for voter registration.[80]

Another member expressed concern that implementing AVR during public assistance transactions would be "like trying to slam a square peg into a round hole," citing how applicants can often apply for benefits for their whole family during a single transaction. Such concerns suggest that more research and targeted pilot programs are needed to assess how these systems can be adapted to better serve the goals of voter registration.

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78 Institute for Responsive Government, "Medicaid Automatic Voter Registration Background and Overview," February 27, 2024. Available at https://responsivegov.org/research/medicaid-automatic-voter-registration-background-and-overview-2/

79 Ibid.

80 Alex Burness, "Oregon Wants to Register Medicaid Recipients to Vote. Will Biden Officials Allow It?" *Bolts Magazine*, July 11, 2023. Available at https://boltsmag.org/automatic-voter-registration-medicaid-oregon-colorado/

Federal law should calibrate the quality of evidence that a voter moved with the extent of procedural protections.

The NVRA's procedural protections were designed to prevent a voter's wrongful removal from rolls, but these protections can delay necessary updates even when election officials have compelling evidence that the voter has moved.

To address this issue, Congress should revise the NVRA to authorize the development of standards for what constitutes evidence that a voter has moved. These standards should establish a hierarchy of evidence, recognizing that some signals (e.g., nonvoting or undeliverable mail) are far less reliable than others (e.g., verified data matches using SSN4, name, and date of birth). A revised NVRA could calibrate the reliability of evidence that a voter moved with the extent of procedural protections. Prioritizing high-confidence indicators would allow election officials to act more decisively when data supports it while maintaining full procedural protections when only weaker signals are present.

Reasonable people may disagree about what an ideal minimum substantive matching standard might be.[81] Available evidence suggests that a well-calibrated standard would likely require that two records match on name and date of birth, plus at least one additional identifier such as an SSN4 or a prior/current address. Evidence from record linkage research (e.g., Stephen Ansolabehere and Eitan Hersh's ADGN model, which uses address, date of birth, gender, and name) demonstrates that such multifield matches can achieve accuracy rates comparable to full SSNs without the same privacy concerns.[82]

For maximum effectiveness, these standards would need to be paired with improvements in commonly used data sources like the Postal Service's NCOA list, which currently lack key matching fields such as date of birth. To better support election officials:

- The Postal Service should be encouraged (or required) to collect birth year or full date of birth alongside address data.
- Voters should receive clear notice that submitting a change-of-address request may impact their voter registration.

A related proposal is to allow any state to opt-out of the NVRA's list maintenance obligations if it offers same-day voter registration, including its procedural protections—in effect extending the original terms of the 1993 bill to today.[83] This would allow an election official to immediately cancel a voter's registration when they suspect a voter has moved, but only if the affected voter

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81 Any standards may also need to account for differences between a voter's residence for voting and other addresses. For example, DMVs often don't distinguish between where a person resides and where they might register their car.

82 Stephen Ansolabehere and Eitan D. Hersh, "ADGN: An Algorithm for Record Linkage Using Address, Date of Birth, Gender, and Name," *Statistics and Public Policy*, 3(1): 1–10, 2017. Available at: https://doi.org/10.1080/2330443x.2017.1389620

83 The NVRA exempts certain states with no registration requirement (North Dakota) or that had same-day voter registration on August 1, 1994, the day the law became effective (Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming).

could then immediately re-register. The alternative could lead to cleaner lists, but this change does not come without risk. For one, voters could be wrongly removed without the protections now guaranteed by the NVRA. Even with same-day registration, voters could face unexpected barriers when they try to cast a ballot, especially if they do not have the necessary documentation on hand to re-register.

Federal law should incentivize election officials to update, rather than cancel, a voter's registration when they move.

A minimum substantive standard for list maintenance alone would still leave voter registration lists **incomplete**, because cancellation does nothing to ensure that voters are registered at their new address.

The NVRA already requires local election officials to update a voter's address if they move within the same jurisdiction. However, this federal requirement does not extend to moves across jurisdictions within the same state, even though this type of move is far more common than moves across state lines.

Figure 3: Census Data on Types of Moves Among All U.S. Movers: 2021-2022[84]

Type of move	2021	2022
Same county	**58.4%**	**53.5%**
Different county	**39.3%**	**41.7%**
— *Same state*	*23.2%*	*24.3%*
— *Different state*	*16.2%*	*17.3%*
From abroad (includes Puerto Rico & U.S. Island Areas)	**2.3%**	**4.9%**

To reimagine list maintenance as a tool to promote both voter access and electoral integrity, federal law should incentivize election officials to identify a voter's current residence. When election officials reliably locate a voter's new address within the same state, they should be required to update, rather than cancel, that voter's registration. When election officials can't locate a voter's new address, the inference that the voter moved should be considered less reliable and lengthy procedural protections considered more appropriate.

Together, pairing a minimum substantive standard for removal with an affirmative obligation to update voters' registrations as they move would transform list maintenance from a blunt instrument of removal into a proactive mechanism for keeping voters registered where they live. A recent study conducted in partnership with local election officials in Orange

[84] U.S. Census Bureau. "Change in Marital Status Became More Common Reason for Moving from 2021 to 2022, Housing, Neighborhood Improvement Reasons Declined." November 1, 2023. Available at: https://www.census.gov/library/stories/2023/09/why-people-move.html

County, CA, estimated that automatically updating a voter's registration after they move increased voter turnout by almost 6 percentage points.[85] By extending the NVRA's in-jurisdiction update requirement to apply statewide, Congress could reduce duplicate records, minimize confusion at the polls, and increase participation all while preserving procedural safeguards when uncertainty exists.

In the absence of federal reform, individual states could adopt an in-state update requirement independently. States could also consider more limited reforms to increase response rates to confirmation notices rather than updating voter registrations. In short, one explanation for why many voters don't respond to notices confirming their move is that the notices are sent to their address of registration—which they no longer reside at. Election officials could instead send confirmation notices to both the address of registration and the voters' most likely new address.

For example, election officials in Orange County ran a pilot program in 2010 in which they identified voters who have a new address on file with Experian, a credit agency.[86] Orange County officials sent Experian records of 1,000 voters who had no recent voting or registration activity. While the election office suspected that many of these voters had moved, officials were not notified of a new address through the NCOA list, the department of motor vehicles, another election office, or by the voter.

Experian ultimately returned a more recent address for over half of the voters. The election office then sent voters a notice at both the more recent address Experian identified and the address the election office had on file. Voters were far more likely to respond to a notice when it was sent to the address identified by Experian than when it was sent to the address previously on file with the election office. The election office could then update the address confirmed by the voter or immediately cancel their registration if the voter confirmed that they had left the county.

85 Seo-young Silvia Kim, "Automatic Voter Reregistration as a Housewarming Gift: Quantifying Causal Effects on Turnout Using Movers," *American Political Science Review*, 117(3): 1,137–44, 2023. Available at: https://doi.org/10.1017/S0003055422000983. Figure 2 estimates the effect of automatic reregistration by exploiting an arbitrary cut-off date in the run-up to the 2018 general election, before which voters who filed a change-of-address with the post office had their voter registration automatically updated and after which voters did not.

86 Orange County Registrar of Voters, *2010 Voter List Maintenance Report*, 22, 2020. Available at: https://ocvote.gov/election-library/docs/2020%20Voter%20List%20Maintenance%20Report.pdf

Orange County has continued to use third-party data in every even-numbered year following the pilot program. Between 2012 and 2020, the county was able to update the records of 74,100 voters who were not otherwise able to be located through traditional methods.

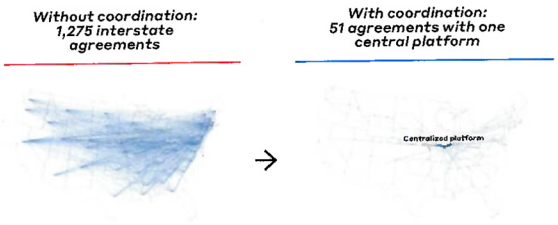
States should join, and federal law should incentivize participation in, an interstate data-sharing program that meets minimum standards for privacy.

Interstate data-sharing programs can address several of the various challenges raised earlier in the report:

Challenge		*Solution*
Voter mobility is high, and voters don't typically notify election officials when they move.	→	Interstate data sharing helps identify movers within and across states.
Election offices and motor vehicle departments often rely on outdated systems, and coordination between them is frequently lacking.	→	Interstate data-sharing programs can help standardize and improve data sharing between election offices and departments of motor vehicles.
Election officials often lack a unique, national identifier for voters, which makes matching voters across states challenging.	→	Interstate data-sharing programs can join motor vehicle and election office data to recover an SSN for most voters.

Without a unified system, election officials either operate without data from other states (making their lists less accurate) or must negotiate separate agreements with other states. To cover the whole country without a centralized program would require 1,275 separate bilateral agreements among the 51 jurisdictions (50 states, plus D.C.).[87]

Figure 3: The efficiency benefits of joining an interstate data-sharing program



[87] The number of potential bilateral agreements among U.S. states is calculated using the combination formula $n(n-1)/2$, where n is the number of jurisdictions. With 50 states plus the District of Columbia ($n = 51$), the total is $(51 \times 50)/2 = 1,275$ unique agreements.

Importantly, centralization promises to improve both administrative efficiency and the quality of list maintenance. Many states lack the resources to conduct high-quality comparisons on their own, even within their own state, due to the technical complexity of large-scale record matching. Interstate data programs like ERIC can fill that gap by establishing minimum data standards, hashing sensitive information before transmission using secure, one-way cryptographic processes, and applying sophisticated matching logic.

Given the layered benefits of interstate data sharing, we encourage state election officials to join interstate data sharing programs when their state laws permit it. Where state law does not allow participation, we encourage state legislators to consider reforms that would permit and encourage or require participation.

We also recommend that Congress incentivize participation in a national or regional interstate data-sharing program that standardizes and streamlines cooperation. The value of such a system increases with broader membership: Every additional state improves the completeness of the data, strengthens the accuracy of matches, and reduces gaps created by nonparticipating jurisdictions. State-run programs like ERIC also preserve state autonomy as opposed to a federally operated program.

Congress could:

- Declare that participating in a cross-governmental election bureaucracy, with certain conditions for accuracy and transparency, would satisfy election officials' obligation under the NVRA to conduct list maintenance.[88] When Congress passed the National Voter Registration Act, it similarly declared, "A State may meet [its] requirement ... by establishing a program under which ... change-of-address information supplied by the Postal Service ... is used to identify registrants whose addresses may have changed."[89]

88 Morse, "Democracy's Bureaucracy," compiled examples showing how a few states previously encouraged the federal government to take this approach. See, e.g., Letter from Tom Schedler, Louisiana Sec'y of State, to Presidential Advisory Comm'n on Election Integrity, Aug. 9, 2017. Available at: https://trumpwhitehouse.archives.gov/sites/whitehouse.gov/files/Official%20State%20Responses_Redacted%20%289.19.2017%29.pdf ("I strongly encourage the commission to support this tool by incentivizing more states to participate in its services."); Letter from Wayne W. Williams, Colorado Sec'y of State, to Kris W. Kobach, Vice Chair, Presidential Advisory Comm'n on Election Integrity, July 14, 2017. Available at: https://trumpwhitehouse.archives.gov/sites/whitehouse.gov/files/docs/Public-Official-Responses-Received-July-4-2017.pdf ("I would also strongly encourage that the federal government shift resources to incentivize states' participation in . . . [ERIC]."); Letter from Kenneth R. Menzel, Gen. Couns., Illinois State Bd. of Elections, to Kris W. Kobach, Vice Chair, Presidential Advisory Comm'n on Election Integrity, Sept. 19, 2017. Available at: https://trumpwhitehouse.archives.gov/sites/whitehouse.gov/files/Official%20State%20Responses_Redacted%20%289.19.2017%29.pdf ("We would recommend that ERIC membership be encouraged, or even monetarily subsidized, for all states.")

89 52 U.S.C. § 20507(c)(1)

- Offer conditional grants to cover states' membership obligations and associated costs.[24] For context, ERIC—the largest existing data-sharing effort—operates on a budget of roughly $1.7 million per year.[90] This could be a relatively small investment with significant reward.

By minimizing the need for states to negotiate and manage dozens of individual partnerships, this approach would stabilize cross-state cooperation, reduce workloads for election administrators, and promote more accurate and complete voter registration lists.

Any federal support for an interstate data-sharing program should be conditioned on that program's ability to meet **accuracy**, **privacy**, **security**, and **transparency standards**.

The examples below represent some potential approaches (informed in part by ERIC's decade-long experience facilitating interstate data sharing), but actual standards should be developed in close consultation with privacy experts, cybersecurity professionals, election officials, and civil society stakeholders. Standards must be structured such that they remain flexible and adaptive, given the rapid evolution of security threats and technology. Participating programs might be required to:

- Accuracy
  - Enforce a minimum requirement for the types of data that states share for list maintenance, including data from both election offices and departments of motor vehicles that together includes full name, date of birth, address, SSN/SSN4, and driver's license or ID number.
  - Develop and adopt a standardized data format for records across participating states, including uniform field definitions for names, addresses, dates, and dates of recent activity.
  - Adopt a minimum match standard, such as one that includes a combination of full name, date of birth, address, SSN or SSN4, and driver's license or ID number.
  - Document and standardize matching methodologies to ensure consistency and allow for auditing.

- Privacy and Security
  - Implement strong access controls, ensuring only authorized officials have access to sensitive data, with clear audit logs of data access and use.
  - Use encryption and secure transfer protocols for all data transmissions.
  - Follow federal cybersecurity guidelines, such as those outlined by the Cybersecurity and Infrastructure Security Agency (CISA) and the National Institute of Standards and Technology (NIST).

[90] ERIC Inc., "FAQ," accessed August 18, 2025. Available at: https://ericstates.org/faq/

  - Develop formal incident response plans to address potential data breaches, including notification requirements and mitigation procedures.
  - Conduct regular security audits and vulnerability assessments to ensure ongoing compliance with best practices.
  - Restrict use of data strictly to voter list maintenance.
- Transparency
  - Publicly disclose how data is used and matched.
  - Publish summary statistics on match results and voter outreach actions by state.

Any federal legislation should also address the growing conflict Morse (2023) identified between federal election law and federal privacy law.[91] In short, for all the benefits of motor vehicle records for improving voter list maintenance, they are subject to extensive privacy protections. As a result, election officials in the Electronic Registration Information Center have found themselves caught between the NVRA's transparency mandate for list maintenance[92] and the DPPA's limits on disclosure of "personal information ... obtained ... in connection with a motor vehicle record." One possibility is to amend the Driver's Privacy Protection Act to allow the disclosure of individual-level list maintenance activity, even if it is based on motor vehicle records, but with sensitive data fields redacted. Regardless, election officials would benefit from clear guidance on how to navigate obligations for both transparency and privacy.

VERIFYING VOTER CITIZENSHIP

Keeping up with voter mobility and verifying voter citizenship share certain features but also differ in key respects. Like residency, citizenship information is often spread across a patchwork of government agencies, making it a coordination challenge for election officials to maintain accurate records. Yet, whereas mobility is frequent and a well-documented challenge for election officials, naturalization occurs less often and only in one direction. Furthermore, there is no evidence that the current citizenship verification

[91] Michael Morse, "Democracy's Bureaucracy: The Complicated Case of Voter Registration Lists," *Boston University Law Review*, 103: 2, 181-54, 2023. Available at https://ssrn.com/abstract=4396446

[92] "Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1)

framework, which relies on voter attestation under penalty of perjury,[93] is failing to keep noncitizens from voting at scale.[94]

Both state and federal law already prohibit noncitizens from voting in federal elections.[95] In the rare cases where it does happen, it is routinely identified, investigated, and prosecuted by the relevant authorities.[96] Despite its low prevalence, questions around the potential for noncitizen voting continue to shape both policy debates and public concern.

Recent policy proposals tend to take one of two approaches:

1. **Front-end verification**, where the burden is on the voter to prove their citizenship by providing documentary proof to a state or local official.

   This approach is better understood as a registration prerequisite rather than list maintenance, and courts have found it violates the NVRA when applied to federal elections.[97]

2. **Back-end verification**, where election or other government officials, such as those at the department of motor vehicles, consult existing government data to verify a voter's citizenship status. This approach aligns more closely with traditional list maintenance practices.

Both models face trade-offs. Front-end verification risks burdening eligible voters who lack ready access to proof of citizenship, while back-end verification hinges on the accuracy, completeness, and interoperability of government databases. Between the two approaches, we encourage policymakers to prioritize back-end verification over front-end verification because it places the responsibility on government officials rather than voters to prove citizenship. However, it is important to note that neither front-end nor back-end verification needs to be adopted; states could continue relying on attestation of citizenship, which successfully prevents noncitizen registration or voting at scale.

This section focuses on what we don't yet know about citizenship verification. Despite its salience, the process of verifying voter citizenship is understudied. Here, we lay out the practical and legal challenges that make comprehensive

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93 Each State shall accept and use the mail voter registration application form." 52 U.S.C. § 20505(a)(1) "The mail voter registration form ... shall include a statement that—(A) specifies each eligibility requirement (including citizenship); (B) contains an attestation that the applicant meets each such requirement; and (C) requires the signature of the applicant, under penalty of perjury." 52 U.S.C. § 20508(b)(2)(A)–(C).

94 Miles Parks, "Despite Grand Claims, a New Report Shows Noncitizen Voting Has Not Materialized," NPR, July 30, 2025. Available at: https://www.npr.org/2025/07/30/nx-s1-5462836/noncitizen-voting-trump-ceir-review

95 *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, Pub. L. No. 104-208, 110 Stat. 3008 (1996). Available at: https://www.govinfo.gov/content/pkg/PLAW-104publ208/pdf/PLAW-104publ208.pdf. For more on the federal prohibition on noncitizen voting, see Stephen K. Mortellaro, "The Unconstitutionality of the Federal Ban on Noncitizen Voting and Congressionally-Imposed Voter Qualifications," *Loyola Law Review* 63: 447–94, 2017. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3039812

96 U.S. Immigration and Customs Enforcement, "19 Foreign Nationals Indicted for Illegally Voting in 2016 Elections," news release, August 22, 2018. Available at: https://www.ice.gov/news/releases/19-foreign-nationals-indicted-illegally-voting-2016-elections

97 For example, state documentary proof of citizenship laws were struck down for violating various aspects of the NVRA in *Arizona v. Inter Tribal Coun. of Ariz., Inc.*, 570 U.S. 1 (2013); Fish v. Schwab, 957 F.3d 1105 (10th Cir. 2020); and *Mi Familia Vota v. Fontes*, 129 F.4th 691 (9th Cir. 2025).

citizenship verification difficult to achieve in the present moment in hopes of preventing premature policy reform while spurring additional research into long-term solutions.

Challenges

Many eligible voters don't have documentary proof of citizenship readily available.

Recent legislative trends reflect growing interest in front-end verification. Between January and July of 2025, 27 states[98] and Congress[99] considered legislation that would require voters to provide documentary proof of citizenship to register or vote. So far, three states have enacted such laws.[100]

According to USCIS, the most common documents establishing citizenship include:

- a birth certificate, if born in the United States or registered abroad by U.S. citizen parents;
- a U.S. passport;
- a Certificate of Citizenship, issued to someone who derived or acquired citizenship through a parent;
- or a Naturalization Certificate, issued to someone who became a citizen after age 18.[101]

Although at least one of these documents are in theory available to most citizens, not all voters have them readily available. According to recent studies:

- **9%** of eligible voters do not have, or do not have easy access to, documentary proof of citizenship.[102]
- **11%** of registered voters do not have access to their birth certificate.[103] One task force member who implemented a documentary proof-of-citizenship requirement further noted that "the process to get a replacement birth certificate is cumbersome, varies by state, and can take several weeks to process."

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98 Voting Rights Lab, "Comprehensive Bill Search," accessed August 10, 2025. Available at: https://tracker.votingrightslab.org/pending/search?number=488034860070840. Filtered by Years = 2025 and Issues = Proof of Citizenship.

99 SAVE Act, H.R. 22, 119th Congress (2025). Available at: https://www.congress.gov/bill/119th-congress/house-bill/22

100 Voting Rights Lab, "Comprehensive Bill Search," accessed August 10, 2025. Available at: https://tracker.votingrightslab.org/pending/search?number=702192246661831 4. Filtered by Years = 2025, Issues = Proof of Citizenship, Latest Stage = Enacted.

101 U.S. Department of State, "I Am a U.S. Citizen. How Do I Get Proof of My U.S. Citizenship?" 2013. Available at: https://www.uscis.gov/sites/default/files/document/guides/A4en.pdf

102 Jillian Andres Rothschild, Samuel B. Novey, and Michael T. Hamaci, *Who Lacks Documentary Proof of Citizenship?* Center for Democracy and Civic Engagement, University of Maryland, March 2025. Available at: https://cdce.umd.edu/sites/cdce.umd.edu/files/Who%20Lacks%20Documentary%20Proof%20of%20Citizenship

103 Charles Stewart, "So Much to Say About Pres. Trump's Election EO, But Let's Start with Passport Possession," *Playing with Election Data* (blog), March 26, 2025. Available at: https://playingwithelectiondata.substack.com/p/so-much-to-say-about-pres-trumps

- **52%** of registered voters do not have an unexpired passport with their current legal name.[104]

Misconceptions about Real IDs

Real IDs, which are often assumed to be a reliable proxy for citizenship, do not definitively establish citizenship. Real ID-compliant identification confirms identity and lawful presence but not citizenship. According to the Department of Homeland Security (DHS), the only state-issued IDs that explicitly indicate citizenship are *enhanced* driver's licenses issued by Michigan, Minnesota, New York, Vermont, and Washington.[105] Ohio also began requiring that a "noncitizen" designation be added to state identification cards in 2023.[106]

Challenges verifying the authenticity of documentary proof of citizenship

Even if voters were required to provide documentary proof of citizenship, verifying the authenticity of those documents is an inherently complex task, one that is not currently aligned with the core functions of election offices or motor vehicle departments.

USCIS identifies birth certificates as the primary proof of citizenship for most Americans.[107] Yet the United States has no national birth registry, and states, counties, and municipalities are each responsible for issuing their own versions of birth certificates. As a result, an estimated 14,000 different types of birth certificate documents are currently in circulation.[108]

Additionally, birth certificates often lack information that matches a person's current identity. For instance, someone who has changed their name through marriage or court order may need to present a third document (such as a marriage certificate) to join their proof of citizenship (e.g., birth certificate) with their proof of identity (e.g., driver's license). A 2023 report by the Pew Research Center found that 79% of married women changed their name upon marriage, and an additional 5% hyphenated their names.[109]

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104 Ibid.

105 U.S. Department of Homeland Security. "Enhanced Driver's Licenses: What Are They?" Homeland Security. Last updated April 22, 2024. Available at: https://www.dhs.gov/enhanced-drivers-licenses-what-are-they

106 Ohio Revised Code § 4507.13

107 U.S. Department of State. "I Am a U.S. Citizen. How Do I Get Proof of My U.S. Citizenship?" 2013. Available at: https://www.uscis.gov/sites/default/files/document/guides/A4en.pdf

108 American Bar Association. "Birth Certificates." November 20, 2018. Available at: https://www.americanbar.org/groups/public_education/publications/teaching-legal-docs/birth-certificates/

109 Luona Lin. "About 8 in 10 women in opposite-sex marriages say they took their husband's last name." Pew Research Center. April 23, 2025. Available at: https://www.pewresearch.org/short-reads/2023/09/07/about-eight-in-ten-women-in-opposite-sex-marriages-say-they-took-their-husbands-last-name/

Case Study: Kansas

Kansas offers a case study for why states should be wary of front-end verification efforts.

In 2011, Kansas adopted the Secure and Fair Elections (SAFE) Act, which included a requirement that voters provide documentary proof of citizenship when they register to vote.[110] The law went into effect in 2013 and was the subject of multiple consolidated lawsuits. Ultimately, a federal court determined the following:

- Between 1999 and 2013, when the Kansas law went into effect, there were 39 confirmed cases of noncitizens who had registered to vote, or about .002% of all registered voters as of 2013.[111]
- Between 2013 and 2015, the Kansas law prevented about 31,000 applicants from registering to vote, or about 12% of all applicants, during this time period.[112]
- Specifically as to those individuals whose applications were suspended:
  - more than 99% were citizens.[113]
  - the number of noncitizens was "statistically indistinguishable from zero."[114]

Given these facts, a federal court struck down the law as violating both the NVRA's Motor Voter provisions as well as the Constitution's Equal Protection Clause.[115]

While a state legislator, Kansas Secretary of State Scott Schwab supported the idea of documentary proof of citizenship. But after seeing how the law worked out in practice, he has begun to urge other states against it: "Kansas did that 10 years ago," Schwab told the Associated Press. "It didn't work out so well."[116]

Back-end verification at the state level often relies on records scattered across multiple agencies, many of which lack the technology needed for accurate, timely, and interoperable data sharing.

Citizenship is a dynamic legal status. Although a particular government transaction may record an individual as lacking citizenship, a noncitizen can become a citizen after completing the naturalization process. However, naturalizations often fail to cascade quickly, or at all, across disparate administrative systems. As a result, citizenship audits routinely flag

110 Kan. Admin. Regs. § 7-23-14.

111 *Fish v. Schwab*, 957 F.3d 1105, 1115 (10th Cir. 2020).

112 Ibid.

113 Ibid.

114 Ibid.

115 For the NVRA analysis, see ibid. at 1,136–44, and for the equal protection analysis see ibid at 1121–36.

116 John Hanna, "When a Kansas law forced voters to prove citizenship, a fiasco followed," Associated Press, December 29, 2024. Available at: https://apnews.com/article/kansas-noncitizen-voting-proof-of-citizenship-50d56a0b8d1f0fde15480aab3db67f4f

individuals who have in fact been naturalized but whose citizenship status has not yet been reflected in administrative databases.

Motor vehicle departments are primarily tasked with confirming an individual's identity, not their legal status.[117] Even when motor vehicle departments do collect information related to immigration status, they often distinguish only between undocumented individuals and those with an authorized presence, a broader category that includes lawful permanent residents, visa holders, and others ineligible to vote. Furthermore, as discussed earlier in the report, many operate on legacy technology platforms, limiting their ability to support complex data sharing or to preserve document-level metadata over time.

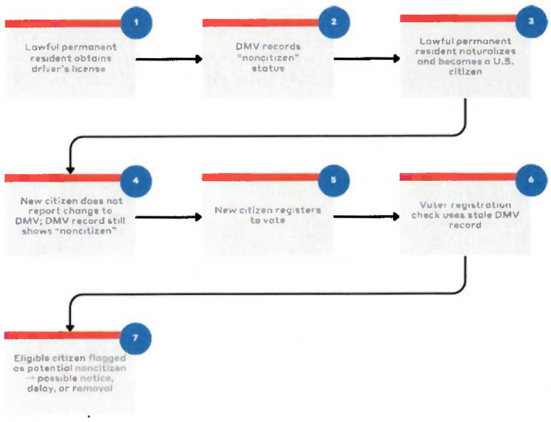
Ohio Secretary of State Frank LaRose, for instance, flagged 521 cases of potential noncitizen voting between 2019 and September 2023.[118] But an *Ohio Capital Journal* review found just one case in which a noncitizen was ultimately charged with voter fraud.[119] The review noted that this was due to a combination of accidental registration and a lag in how the department of motor vehicles updates an individual's citizenship status after naturalization. Absent a mechanism to correct for such lags, otherwise eligible citizens may face unnecessary scrutiny, administrative delays, or even cancellation of their registration based on outdated information.

117 Arizona Department of Transportation, "Report on Audit of MVDs Authorized Presence Policy and Data for Voter Registration Purposes," January 31, 2025. Available at: https://www.democracydocket.com/wp-content/uploads/2025/02/hobbs-mvd-audit.pdf. The report states, "To comply with federal and state requirements for MVD transactions, MVD verifies only that the customer's presence is authorized in the United States, which may include citizenship as well as other legal immigration statuses."

118 Nick Evans, Ohio Sec. Of State LaRose Flagged More Than 520 Cases of Noncitizen Voter Fraud. Only One Was Legit. *Ohio Capital Journal*, September 27, 2023. Available at: https://ohiocapitaljournal.com/2023/09/27/ohio-sec-of-state-larose-flagged-more-than-520-cases-of-noncitizen-voter-fraud-only-one-was-legit/

119 Ibid.

Figure 4: Example of How Outdated Citizenship Records Can Affect Voter Registration



A similar risk arises when election officials rely on jury summons responses to assess citizenship status. As with outdated motor vehicle data, stale jury records can misidentify newly naturalized citizens as ineligible. Members of the task force report that these mismatches are a common occurrence when jury data is used for list maintenance. Moreover, as the National Conference of State Legislatures notes, "It is not uncommon for someone wishing to avoid jury duty to mark the form incorrectly, so using this information alone is likely not enough proof to remove a person from the rolls."[120]

Case Study: Arizona

In Arizona, residents are required to provide documentary proof of citizenship to vote in state and local elections. For most Arizona voters, this requirement is satisfied as part of a back-end process triggered during a driver's license or state ID transaction. Arizona began requiring proof of authorized presence to receive a new license or ID on October 1, 1996.[121] As a result, state law allows an Arizona license or ID issued after October 1, 1996, to serve as documentary proof of citizenship.[122] When a county enters a voter's registration application

120 National Conference of State Legislatures, "Legislative Approaches to Ensuring Only Citizens Vote," n.d., accessed August 14, 2025. Available at: https://www.ncsl.org/elections-and-campaigns/legislative-approaches-to-ensuring-only-citizens-vote

121 Ariz. Rev. Stat. § 16-166(F)(1)

122 Ariz. Rev. Stat. §16-121.01(C)

into the statewide voter registration database, the database queries driver's license records for information about a voter's citizenship status.[123]

Although Arizona has one of the oldest documentary proof-of-citizenship requirements in the country, the state continues to struggle with its implementation. A recent audit commissioned by Gov. Katie Hobbs documented the granular and highly technical nature of these difficulties.[124]

Ahead of the 2024 presidential election, Arizona officials identified roughly 200,000 Arizonans who had been issued licenses before 1996 that were incorrectly coded as having provided proof of citizenship. The cause was technical misalignment between the Department of Transportation's Motor Vehicle Division (MVD) and the state election office, and how Arizona's voter registration system handled the updates it received from the MVD. Votebeat's Jen Fifield explains:

> *"[T]he secretary's system was set up to gather just the issuance date of the driver's license as an indicator of citizenship verification. That issuance date in the records was often incorrect—if the voter had renewed or gotten a duplicate license after 1996, it would show the most recent issuance date. That signaled to the recorders that the voter had provided citizenship proof, even if they hadn't.*
>
> *"The voter registration system was supposed to provide further information on each license, such as each subsequent issuance date, but because of an error in the system, it did not."*[125]

Arizona's experience demonstrates how a seemingly minor incongruence in data standards (how issuance date is stored and shared), a lack of communication, and insufficient system interoperability between the state's MVD and election office led to downstream consequences for voter eligibility and registration accuracy.

The obsolescence of Arizona's 1980s-era legacy MVD system exacerbated these issues: It lacked modern controls, was difficult to support, and could not easily integrate with the voter registration database.[126]

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123 Arizona Motor Vehicle Division, in consultation with Robyn Stallworth Pouquette, former Yuma County recorder, and Patty Hansen, former Coconino County recorder, *Report on Audit of MVD's Authorized Presence Policy and Data for Voter Registration Purposes*, prepared for the Office of the Arizona Governor Katie Hobbs, January 31, 2025. Available at: https://s3.documentcloud.org/documents/25510724/hobbs-mvd-audit.pdf.

124 Ibid.

125 Jen Fifield, "Audit shows extent of Arizona's problems with tracking voters' citizenship," *Votebeat*, January 31, 2025. Available at: https://www.votebeat.org/arizona/2025/01/31/arizona-audit-reveals-problem-tracking-voter-citizenship/

126 Arizona Motor Vehicle Division, in consultation with Robyn Stallworth Pouquette, former Yuma County recorder, and Patty Hansen, former Coconino County recorder, *Report on Audit of MVD's Authorized Presence Policy and Data for Voter Registration Purposes*, prepared for the Office of the Arizona Governor Katie Hobbs, January 31, 2025. Available at: https://s3.documentcloud.org/documents/25510724/hobbs-mvd-audit.pdf

Arizona has since modernized its system, transitioning to a cloud-based platform called MAX built on a relational database with contemporary technical support and modular architecture. The audit found that "as the statewide voter registration system and MVD technology advanced, MVD and election officials have identified and resolved" the noted discrepancies.[127]

While promising, recent federal efforts to make the USCIS SAVE system a centralized source of citizenship information for election officials are nascent and untested.

The Systematic Alien Verification for Entitlements (SAVE) program, operated by the U.S. Citizenship and Immigration Services, is an online service that "provides point in time immigration status and naturalized/acquired U.S. citizenship information to federal, state, local, territorial, and tribal agencies."[128] It was created in 1987 to help agencies comply with the Immigration Reform and Control Act's prohibition on granting certain public benefits to unauthorized immigrants.[129]

SAVE is not a database. Rather, it queries other federal databases—including those maintained by the Departments of Homeland Security and Justice—for information about an individual's status.

Until this year, election administrators were largely unable to use SAVE. Historically, it only queried information on individuals with formal immigration statuses (such as lawful permanent residents or visa holders). User agencies were also required to provide an applicant's unique immigration identifier to query SAVE; this is data that election offices rarely, if ever, collect or maintain.[130]

USCIS has made the following changes to SAVE this year to increase its usability by election offices:

- Removing usage fees for queries and permitting user agencies to submit queries for multiple individuals at once in bulk.

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127 Ibid.

128 U.S. Citizenship and Immigration Services, "SAVE," n.d., accessed August 18, 2025. Available at: https://www.uscis.gov/save

129 American Immigration Council, "The Systematic Alien Verification for Entitlements (SAVE) Program: A Fact Sheet," August 3, 2021. Available at: https://www.americanimmigrationcouncil.org/report/systematic-alien-verification-entitlements-save-program-fact-sheet/

130 Virginia offers a case in point. As required under § 24.2-404(E) of the Virginia Code, the Department of Elections (ELECT) entered into an agreement with USCIS to use the SAVE program as part of its voter list maintenance procedures. But despite this agreement and associated training, the system proved unusable. As ELECT concluded in 2022, "It was ultimately determined that SAVE was unusable for list maintenance purposes due to limitations within the system," citing the difficulty posed by the unique identifier. Virginia Department of Elections, "Annual List Maintenance Report," 2021. Available at: https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/2022-List-Maintenance-Report_final.pdf

- Partnering with the Social Security Administration (SSA) to facilitate verification of U.S.-born citizens in addition to those with formal immigration status.[131]
- Allowing queries with 9-digit SSNs rather than just immigration identifiers. At the time of writing, USCIS is working toward expanding this feature to also allow agencies to submit requests for individuals with just an SSN4.[132]

With these changes, SAVE has the potential to be of significant value to election officials, serving as one source of back-end citizenship verification that doesn't require action from voters. This is similar to how officials have used database checks for more than a decade to verify U.S. citizenship for Medicaid applicants. Under the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009, states were permitted to replace document-based proof of citizenship with SSA database verification. This change led to match rates of 93%–99% within a year and saved millions of dollars in administrative costs.[133]

However, applying SAVE to list maintenance is still largely untested. Some of SAVE's recent changes are modest adjustments within its original scope—such as removing usage fees and allowing bulk queries—while others, like the new partnership with SSA, represent a significant expansion of its role.

We recommend that policymakers consider the following limitations, elaborated in detail below, before deploying SAVE verification for all voters:

1. USCIS guidance explicitly instructs agencies that SAVE cannot definitively determine if an individual is a noncitizen.
2. Election officials often can't take advantage of SAVE's built-in safeguards to resolve ambiguities about an individual's citizenship.
3. The effort to make SAVE more accessible to election administrators by accepting SSN4 as a unique identifier may make matches less accurate, depending on how the change is implemented.
4. Data sharing between SSA and SAVE raises unresolved legal and privacy concerns.

USCIS guidance explicitly instructs agencies not to treat noncitizen results as definitive

The SAVE system is not a comprehensive tool for verifying U.S. citizenship across the electorate. According to the USCIS Voter Registration and Voter List Maintenance Fact Sheet, "User agencies must take additional steps when

131 U.S. Citizenship and Immigration Services, "Voter Registration and Voter List Maintenance Fact Sheet," 2025, accessed August 18, 2025. Available at: https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet. According to the fact sheet, "SAVE can verify U.S.-born citizens for voter verification agencies. When an SSN is provided, SAVE is able in many cases to verify U.S.-born U.S. citizens for voter verification purposes, through information accessed through the SSA."

132 David Jennings, Presentation on USCIS SAVE System at National Association of State Election Directors (NASED) conference, Oklahoma City, OK, July 23, 2025.

133 Institute for Responsive Government, "An Updated Federal Database to Verify Voter Citizenship," May 23, 2025. Available at: https://responsivegov.org/research/uscis-save-database-overhaul/

required for any SAVE response other than 'United States Citizen.' "[134] Those additional steps include submitting documentary proof of citizenship for manual review, as elaborated in the next section.

USCIS further states that it does not have information on all citizens: "SAVE verifies naturalized and acquired U.S. citizenship only if found in federal government records available to SAVE."135 There are several reasons why an eligible voter may not exist in the federal records maintained by SSA or DHS, or have outdated information if they do.

- USCIS may not be able to confirm citizenship "if an individual with acquired citizenship status (for example, a foreign-born child of U.S. citizens) has not applied for a Certificate of Citizenship."[136]
- SSA may not have citizenship information for those who acquired a Social Security number before 1978.

Nearly every legal resident of the United States has an SSN, but the Social Security Administration only began systematically collecting evidence of citizenship or immigration status in 1978.[137] It is unclear what the SSA's process is for individuals who obtained a number before 1978.

- SSA likely has outdated citizenship information for many naturalized citizens.

  SSA records are a snapshot in time for noncitizens and those with acquired citizenship status. Upon naturalization, a new citizen can either permit USCIS to transmit their information to SSA directly or do so manually.[138]

  SSA has acknowledged that "[t]here is no obligation for an individual to report to SSA a change in his or her immigration status until he or she files for a Social Security benefit."[139] As a result, SSA has outdated citizenship information for many individuals who obtained a number before naturalization.[140]

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134 U.S. Citizenship and Immigration Services, "Voter Registration and Voter List Maintenance Fact Sheet," 2025, accessed August 18, 2025. Available at: https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet

135 Ibid.

136 Ibid.

137 Carolyn Puckett, "The Story of the Social Security Number," *Social Security Bulletin*, 69(2): 55–74, 2009. Available at: https://www.ssa.gov/policy/docs/ssb/v69n2/v69n2p55.html

138 U.S. Citizenship and Immigration Services, "Important Information for New Citizens," April 2024. Available at: https://www.uscis.gov/sites/default/files/document/flyers/M-767.pdf

139 Social Security Administration, Office of the General Counsel, Office of General Law, letter to Jon Sherman, Fair Elections Center, July 13, 2023. Available at: https://fairelectionscenter.org/wp-content/uploads/2025/07/SSA-Touhy-Decision-letter-July-13-2023-signed.pdf

140 Social Security Administration, Office of the Inspector General, Accuracy of the Social Security Administration's Numident, Audit Report No. A-08-12-11280, October 2012. Available at: https://oig-files.ssa.gov/audits/full/A-08-12-11280.pdf. The audit states, "In 2006, we reviewed SSA's Numident and determined that the information it contained was generally accurate. However, we estimated that discrepancies in approximately 4.1 percent of the Numident records could have resulted in incorrect feedback when submitted through E-Verify. For example, our review showed that the Numident records contained discrepancies in numberholders' names, dates of birth, citizenship status, and/or death indications."

Thus, SSA is likely best suited to confirm citizenship for natural-born citizens (and in particular, natural-born citizens who acquired an SSN after 1978). That said, this particular issue may not prove to be a limitation when it comes to the SAVE system.

According to a spokesperson for USCIS, when a SAVE query is submitted with a Social Security number and SSA returns a "noncitizen" result, SAVE will request the individual's DHS-issued immigration identifier (such as an A-Number) from SSA and prioritize DHS information on their status.[141] In this way, SAVE could effectively retrieve an individual's DHS identifier using their SSN and then trigger SAVE's traditional verification protocols to determine if the individual had naturalized.

As long as SSA is able to reliably return a DHS identifier, SAVE should, in theory, be able to reliably return information about naturalized citizens' status (the same spokesperson said that naturalization events are reflected in SAVE in "near real time"). That said, joining SSA and USCIS data is new and to date untested, and we recommend caution until additional information becomes available.

We depict how this SAVE and SSA process might work for a sample transaction in the following section.

Election officials often can't take advantage of SAVE's tiered verification processes

To prevent the wrongful denial of benefits (or, in this case, voting rights) based on an erroneous response, the SAVE system uses a tiered verification process.[142] This system is designed to flag uncertain results for additional USCIS review when automatic verification fails, typically due to outdated records, missing identifiers, or conflicting data. For example, SAVE responses can reflect outdated submissions from unrelated agencies based on prior unrelated verification attempts.

141 David Jennings, Presentation on USCIS SAVE System at National Association of State Election Directors (NASED) conference, Oklahoma City, OK, July 23, 2025.

142 U.S. Citizenship and Immigration Services, "Verification Process," last updated May 22, 2025. Available at: https://www.uscis.gov/save/about-save/save-verification-process

When SAVE cannot automatically verify a voter's citizenship status, it requires the requesting agency to initiate additional verification by supplying more information or by uploading a copy of the applicant's immigration document.[143] In some cases, this additional documentation prompts an update to the individual's status within SAVE itself.

There are multiple points in the process where election offices are unable to fully take advantage of the secondary verification process:

1. **No record is found with SSA.**
   a. When an election office queries SAVE with only a voter's name, date of birth, and SSN (and no DHS identifier), SAVE will query the SSA first.
   b. According to USCIS, "If a voter verification case created with only an SSN returns a response of 'No Record Found with SSA – Resubmit with Additional Information,' **user agencies will be unable to request additional verification.**"
   c. Instead, election officials are prompted to verify the information they submitted was correct and then direct the voter to contact SSA to update their records.
   d. USCIS also gives user agencies the option to submit a new case with a DHS enumerator (such as an A-Number), but this is information that election officials rarely have on file.
2. **SAVE recovers a DHS identifier from SSA but manual review is still needed.**
   a. In cases where SAVE retrieves a DHS identifier from an SSA record, it can proceed with a status check from the other databases that SAVE queries.
   b. Even then, roughly 20% of these cases still return a nondefinitive result,[144] requiring the election office to submit the case for additional verification.[145]
      i. Election officials are given the option to submit additional information or immigration documents when submitting the case for additional verification, but it's unlikely that they will have either.

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143 Ibid.

144 U.S. Citizenship and Immigration Services, *Introduction to SAVE and the Verification Process for SAVE Users*, tutorial, revised April 2025. Available at: https://www.uscis.gov/sites/default/files/document/flyers/SAVETutorial%20-%20April%202025%20Updates.pdf

145 "If the user agency receives a prompt to request additional verification, they must submit the case for additional verification to receive a SAVE response." U.S. Citizenship and Immigration Services, "Verification Process," last updated May 22, 2025. Available at: https://www.uscis.gov/save/about-save/save-verification-process

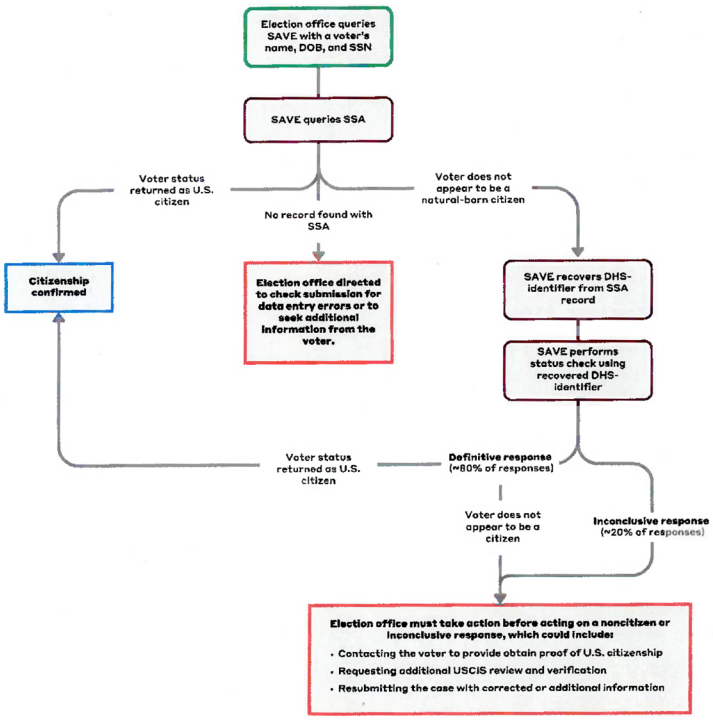
c. After completing additional verification, SAVE will:[146]

ii. return a response, or

iii. prompt the user to "Resubmit with Docs," which means the user must upload a copy of the applicant's immigration document for further review verification. SAVE will then return a final response.

The chart below illustrates how a voter citizenship verification request moves through SAVE and SSA with a focus on manual review.

Figure 5: SAVE Processing of Sample Transaction



[146] Ibid.

The secondary verification process not only creates new administrative burdens for election offices, but if after all required steps SAVE does not verify the case as a U.S. citizen, USCIS states that "the user agency is required to contact the individual to obtain proof of U.S. citizenship and provide the individual with an opportunity to contact the appropriate federal agency to correct their records prior to a final decision."[147] For election administrators, this introduces significant logistical and legal complexities. For voters, especially those without ready access to documentary proof of citizenship, this process can create delays and barriers to participation.

When combined with the requirement that "all verification steps required by SAVE must be completed to be considered a final SAVE response,"[148] it becomes clear that SAVE cannot be reliably used to rule out voters based on citizenship status.

The effort to make SAVE more accessible to election administrators by accepting SSN4 as a unique identifier may make matches less accurate, depending on how it is implemented

USCIS's move to accept the last four digits of an SSN for SAVE queries lowers barriers for election offices that rarely have immigration identifiers and often do not collect full SSNs at registration. Aside from five states (New Mexico, Kentucky, South Carolina, Tennessee, and Virginia) that are permitted to collect 9-digit SSNs at registration, election officials typically rely on state driver's license or ID numbers and may only request a partial SSN if those are unavailable.[149] Some states attempt to supplement missing SSNs through partnerships with motor vehicle agencies (as we recommend in this report), but this practice is neither standardized nor widespread.

The move to accept SSN4 for SAVE queries risks lowering the quality of matches. A full SSN can function as a near-unique identifier, while SSN4 cannot. As a result, a SAVE query with SSN4 will have to lean more heavily on name and date of birth to match records.

In general, the combination of name, date of birth, and SSN4 can produce high-quality matches, but the quality ultimately depends on how the matching is executed.[150] Moving from full Social Security numbers to SSN4 can increase the chance of **false positives** (erroneously "matching" the wrong person) and **false negatives** (failing to find the right record). That's due to both:

147 U.S. Citizenship and Immigration Services, "Voter Registration and Voter List Maintenance Fact Sheet," 2025, accessed August 18, 2025. Available at: https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet

148 Ibid.

149 Social Security Administration, "SSA Open Data | HAVV Transactions by State," n.d., accessed July 15, 2025. Available at: https://www.ssa.gov/data/havv/

150 Sharad Goel, Marc Meredith, et al., "One Person, One Vote: Estimating the Prevalence of Double Voting in U.S. Presidential Elections," *American Political Science Review*, 114(2): 456–69, March 6, 2020. Available at: https://doi.org/10.1017/s0003055419000857

1. **Fuzzy matching**. Typos, nicknames, hyphenations, diacritics, transposed digits, and missing fields in either the voter record or the underlying federal files push systems toward "fuzzier" name matching. Fuzzy matching is designed to match names that may be similar but not identical, such as matching "John" with "Jonh," "Jonathan," or even "Jack."[150]

   Depending on how it is configured, fuzzy matching can apply different criteria and tolerance thresholds for such variations. Without rigorous testing and transparency around these thresholds, it is unclear to what extent reliance on fuzzy matching may compromise the accuracy of SAVE matches.

2. **Coincidence**. Because there are 9,999 possible values of an SSN4 (0000 is not assigned),[151] it is very unlikely that any two distinct people with the same name and same date of birth will also share the same SSN4. However, even a very small false positive rate could produce nontrivial numbers of coincidental matches. A spokesperson for USCIS stated that about 50,000 people have a name, date of birth, and SSN4 that match those of at least one other person, but did not provide further details.[152]

In short, accepting SSN4 makes SAVE more usable but potentially less precise. Additional research and quality testing are needed before cases submitted with name, date of birth, and SSN4 are considered reliable.

Data sharing between SSA and SAVE raises unresolved legal and privacy concerns

Election officials have long used SSA's Help America Vote Verification system to verify the identity of applicants without a driver's license or state identification number.[153] Yet, while that system confirmed that an individual (or individuals) with that name, date of birth, and SSN4 exists and is not believed to be deceased, it did not transmit information on citizenship. When election officials have requested citizenship information from SSA in the past, those officials have reported that SSA declined, maintaining that it cannot share that information under federal privacy laws.[154] SSA explains that "much of the data managed by the SSA is sensitive and protected by privacy laws, the Internal Revenue Code, and other statutes. While some data can be anonymized for public release, a significant portion cannot be disseminated."[155]

150 Carolyn Puckett, "The Story of the Social Security Number," *Social Security Bulletin* 69(2): 55–74, 2009. Available at https://www.ssa.gov/policy/docs/ssb/v69n2/v69n2p55.html

151 David Jennings, Presentation on USCIS SAVE System at National Association of State Election Directors (NASED) conference, Oklahoma City, OK, July 23, 2025.

152 Social Security Administration, "SSA Open Data | HAVV Transactions by State," n.d., accessed July 15, 2025. Available at https://www.ssa.gov/data/havv/

153 David Jennings, Presentation on USCIS SAVE System at National Association of State Election Directors (NASED) conference, Oklahoma City, OK, July 23, 2025.

154 Social Security Administration, "SSA Open Data | HAVV Transactions by State," n.d., accessed July 15, 2025. Available at https://www.ssa.gov/data/havv/

In contrast, USCIS has begun to sidestep these privacy restrictions by pulling data from SSA to validate the citizenship status of U.S.-born citizens. According to USCIS, federal law permits the agency to receive and transmit citizenship information that SSA itself may not lawfully disclose to election officials.[156] Regardless of the merits of that interpretation, others have raised additional concerns related to the Privacy Act of 1974.[157]

For now, this workaround expands the scope of citizenship verification but raises important questions about the safeguards in place to ensure that officials use the information appropriately. These questions center on the potential for data submitted for voter registration verification to be repurposed by other components of the DHS for enforcement, intelligence, or investigatory functions.

According to USCIS's System of Records Notice for SAVE:

> *"Information stored in DHS/USCIS-004 Systematic Alien Verification for Entitlements Program System of Records may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions."*[158]

This means that other DHS entities can access and use data submitted by election officials to verify a voter's citizenship status (as well as SAVE's response to that individual's query) for purposes entirely unrelated to elections, including legal or immigration enforcement.

Unlike the HAVV system, which is governed by Section 303 of the Help America Vote Act and limits the use of transmitted data strictly to election administration, SAVE has no statutory firewall preventing repurposing for investigative use. This gap creates real privacy risks and has the potential to chill participation, especially among newly naturalized citizens. These new citizens may be reluctant to engage with the voter registration process if they believe that doing so could inadvertently trigger scrutiny or enforcement.

States are also wary that any SAVE responses indicating an applicant is not a citizen could be used to initiate federal investigations into that state's registration or list maintenance practices.

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156 David Jennings, Presentation on USCIS SAVE System at National Association of State Election Directors (NASED) conference, Oklahoma City, OK, July 23, 2025. 8 U.S.C. § 1373.

157 Justin Levitt, "The Trump administration is building a national citizenship data system," *Election Law Blog*, June 29, 2025. Available at https://electionlawblog.org/?p=150687

158 U.S. Department of Homeland Security, "System of Records Notices (SORNs) | Homeland Security," last updated June 30, 2025. Available at https://www.dhs.gov/system-records-notices-sorns

Little consideration has been given to what procedural protections should be offered to voters flagged as noncitizens.

Ultimately, election officials should expect that some efforts to identify noncitizens registered to vote will produce errors—individuals flagged as noncitizens will in fact be citizens. In the context of identifying voters who have moved addresses, the potential for disenfranchisement motivated a series of federal procedural protections. As reviewed above, the NVRA requires that election officials typically wait between two and four years to cancel the registration of an individual they believe has moved in case the individual appears to vote in the interim period.

In contrast, while the National Voter Registration Act offers some general protections to all registrations, the NVRA is silent about the specific process of canceling the registration of potential noncitizens.[159] The act contains no specific substantive standard for the reliability of evidence that a registrant is a noncitizen or specific procedural protections to guard against disenfranchisement. As a result, there is a concern that citizens wrongly flagged as noncitizens may be disenfranchised without procedural protections in place to correct errors.

Case study: Virginia

In Virginia, the Department of Motor Vehicles is required to ask all customers about their citizenship status during transactions.[160] Each month, the motor vehicle department transmits a list of individuals who responded "No" to the citizenship question to the Virginia Department of Elections (ELECT), which then transmits that information to the relevant local registrar.

This process raises the risk of inadvertently removing eligible citizens, as it's likely that some individuals flagged as noncitizens at the motor vehicle department may have since naturalized. This issue is particularly likely if an individual indicated that they were not a citizen months or years prior to naturalization and then attempted to register to vote after naturalizing. Without mechanisms to capture those updates, the system can inadvertently remove eligible voters.

Under the NVRA, voters suspected of having moved are typically afforded a two-election-cycle window—spanning two to four years—before their registration can be canceled. In contrast, individuals flagged through motor vehicle department data in Virginia have just 14 days to affirm their citizenship before they are removed from the rolls.

159 52 U.S.C. § 20507(b) ("Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965."); 52 U.S.C. § 20507(c)(2)(A) ("A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters").

160 Code of Virginia § 24.2-410.1

Given that few voters respond to confirmation notices, some eligible citizens will miss this narrow window and be incorrectly removed, especially if they no longer anticipate follow-up related to past motor vehicle department interactions. One Virginia election official also noted that "well documented, substantial mail delays in Virginia" make the 14-day timeline infeasible as well.

For example, NPR reported on the case of Nadra Wilson of Lynchburg, VA, who received a letter requesting citizenship proof after it was first sent to an old address and then forwarded.[161] By the time she received it, the 14-day deadline had passed. Wilson, who was born in the United States and is a U.S. citizen, was understandably puzzled: "I was born in Brooklyn, NY—I'm a citizen," she told NPR, showing her American passport as proof.

Solutions

Election offices may be able to leverage motor vehicle department records to determine citizenship status.

One practice, as seen in Colorado and Arizona, involves using motor vehicle department records to review the documents an individual used to obtain a state-issued ID or driver's license. In these models, the motor vehicle department shares the types of documents an individual used to obtain an ID with the state election office. Those documents, such as a birth certificate or passport, can often confirm citizenship as well as identity. By learning more about the documents an individual provided, election officials gain further insight into an applicant's status, allowing them to flag individuals who may warrant further review while avoiding unnecessary removal of eligible citizens.

Implementing such a system would require a significant investment of time and resources in both state motor vehicle departments and election offices, as not all motor vehicle departments currently retain or categorize documentation in a way that supports this level of analysis. The need for investment and coordination mirrors similar issues in voters' mobility, meaning many of the solutions outlined in the prior section apply here as well.

USCIS's SAVE system could help affirm citizenship when unclear.

When motor vehicle department-based or other state-level back-end verification does not yield a clear answer in cases where a voter's status is uncertain or in dispute, USCIS's SAVE system can potentially serve as a valuable tool for affirming citizenship.

Rather than functioning as a comprehensive screening system, SAVE may be best understood as a supplementary resource that election officials can consult when they encounter ambiguous records (for instance, when the documents a voter uses to register or get a license don't prove citizenship,

161 Jude Joffe-Block, "U.S. Citizens Are among the Voters Removed in Virginia's Controversial Purge," *Morning Edition*, NPR, October 30, 2024. Available at: https://www.npr.org/2024/10/29/nx-s1-5169204/virginia-noncitizen-voter-purge

or when a voter was previously flagged as a noncitizen but is believed to have since naturalized). In such cases, SAVE can provide a quick, low-cost mechanism to confirm updated citizenship status using federal records, potentially resolving the discrepancy without burdening the voter or triggering unnecessary administrative delays.

However, SAVE's design and its current limitations mean that, for the time being, officials should use it only to confirm eligibility, not to disqualify individuals. A lack of confirmation in SAVE does not mean a person is ineligible to vote, and USCIS guidance explicitly instructs agencies not to treat noncitizen results as definitive. Until rigorous testing and evaluation is conducted, SAVE's most appropriate use in elections may be as a tool for clarifying edge cases, not as a foundation for large-scale screening or canceling registration. When used carefully and narrowly in this way, the system could offer election officials a practical way to resolve certain citizenship questions without compromising access or due process.

Increasing the frequency of SSNs on voter registration lists may enhance election officials' ability to verify citizenship.

As noted above, we recommend that states prioritize partnerships with their motor vehicle departments to backfill missing Social Security numbers as allowed by state law. In the mobility context, SSNs can serve as a unique national identifier that makes it easier to confirm matches both between and within states. This approach would also enable election officials to query federal databases through SAVE.

Policymakers should adopt safeguards that allow voters to affirm citizenship before removal.

When back-end verification suggests that a registered voter may not be a U.S. citizen, election officials should adopt procedural safeguards that prevent premature removal from voter rolls based on incomplete or error-prone data. The NVRA's standard approach for a change of address gives voters two to four years to affirm their eligibility before removal. A similar "cure period" could be adapted for verifying citizenship.

For example, instead of automatic cancellation after a 14-day notice period as in Virginia, voters flagged as potential noncitizens could be placed in a "challenged" status and required to affirm their citizenship at the polls before they can vote again. This affirmation could be made under penalty of perjury or, in certain cases, by providing documentary proof. If documentary proof were required, individuals who affirm their citizenship but don't have documentary proof on hand should be able to cast a provisional ballot and still have their votes counted once eligibility was confirmed.

One additional safeguard policymakers should consider is investing in expanded language translation capabilities within election offices. When a voter is flagged as a potential noncitizen, they might receive a notice requiring them to reaffirm their eligibility. Translating these notices into additional languages beyond those currently required by federal law could ensure that voters fully understand what is being asked of them, the timeline to respond, and the consequences of inaction. Clear, accessible communication increases the likelihood that eligible voters will respond promptly and with the correct documentation, reducing the risk of wrongful removals.

This benefit extends beyond list maintenance to preregistration and registration processes more broadly. As noted, the National Voter Registration Act requires that registration forms list eligibility requirements, including citizenship, and that applicants sign under penalty of perjury affirming they meet those requirements. Making these forms and instructions available in more languages could help ensure that applicants fully understand the citizenship attestation before they sign, reducing the risk of noncitizens inadvertently registering to vote.

Policymakers should support efforts by election officials, civil society, and researchers to identify practical approaches to citizenship verification before pursuing major policy changes.

Verifying citizenship remains a technically and legally complex challenge that risks wrongfully disenfranchising voters if changes are implemented poorly. Rather than rushing into reform, policymakers should support efforts to better understand what effective, fair, and implementable verification would require.

Priorities for future research

Future research should explore several critical questions informed by the challenges documented in this report.

- **Voter impact**

  What are the likely effects of verification policies on eligible voters, particularly those who lack easy access to documentary proof of citizenship?

  How should front-end approaches to citizenship verification resolve name discrepancies between documents (for example, between a birth certificate and current ID following a name change) without creating additional barriers to registration?

- **Data infrastructure and interoperability**

  What kinds of citizenship data do election officials currently have access to, and how might state and federal agencies modernize and share citizenship-related data without compromising privacy or creating barriers for eligible voters?

How many states currently backfill Social Security numbers through coordination with their department of motor vehicles? What proportion of voters are they able to recover an SSN for?

- **Lag and accuracy in citizenship records**

  How long does it take for naturalization to be reflected in federal and state databases, and what mechanisms could ensure more timely updates?

  To date, no formal research has evaluated how long it takes for the SAVE database to reflect newly acquired citizenship or whether the use of SSNs affects the accuracy of its outputs.

- **Administrative capacity and burdens**

  The SAVE system has a multistep verification process that few, if any, election offices are equipped to complete.

  Can election officials realistically implement additional verification steps, especially if those require individuals to manually submit citizenship documents?

Considerations for policymakers

Given that there is no evidence of noncitizen voting or registration occurring at scale today, and considering the early stage of research into effective verification practices, it would be premature to implement sweeping new citizenship verification policies. Instead, we encourage policymakers to prioritize rigorous, well-designed research and to foster interagency collaboration. These efforts will better equip the election community to address citizenship verification concerns in the future, while minimizing the risk of disenfranchising eligible voters or introducing inaccuracies into the system today.

Before implementing new policies, we encourage lawmakers to weigh the following:

- Is the proposed policy feasible within the constraints of current data systems and intergovernmental bureaucracies?
- What procedural protections will be in place for individuals who may be misidentified as noncitizens?
- How will the policy affect eligible voters, especially those who have recently naturalized or are in vulnerable or mobile populations?
- Does the policy rely on data that election officials can currently access and use appropriately?

Conclusion

Voter list maintenance is a quiet but essential function for election administration. This report outlines how a set of state and federal reforms could improve both the accuracy and completeness of voter registration lists.



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MAKING PARTICIPATION POWERFUL

United in Security: How Every State Protects Your Vote in 2026

In collaboration with the R Street Institute and the Institute for Responsive Government, we detail the security and integrity protections that make American elections strong, resilient, and trustworthy in every jurisdiction.

February 6, 2026

William T. Adler, Chris McIsaac, Matthew Germer, Gideon Cohn-Postar

States ensure that only eligible voters can vote

Voters must meet federal and state eligibility requirements in their jurisdiction in order to register to vote.

States must maintain voter registration processes that allow only eligible voters to vote and to vote only once.

All 49 states that require voter registration regularly conduct list maintenance to remove voters who have moved, died, or otherwise lost eligibility. This resulted in the removal of over 21 million records during the 2024 election cycle.

Perpetrators of election fraud and voter intimidation are investigated and prosecuted, as well as face jail times and hefty fines.

44 states verify that absentee ballots are sent by the intended voter. They do this by conducting signature verification, requiring a witness or notary signature, or requiring a driver's license or partial social security number.

States confirm the accuracy of voting equipment

Almost every state has a process for testing and approving voting equipment. Most states rely on a federal testing and certification program that has been in operation for almost 20 years.

Election officials in every state test voting equipment before every election to verify the equipment is working as intended.

Voting machines must meet federal standards for minimizing errors.

Voting systems must produce a paper record for audits and recounts.

49 states conduct a post-election audit, which may involve recounting a sample of ballots by hand to confirm that the outcome was correct.

96% of voters in 2026 will likely vote on a ballot with a voter-verifiable paper trail.

States have transparent, accountable elections

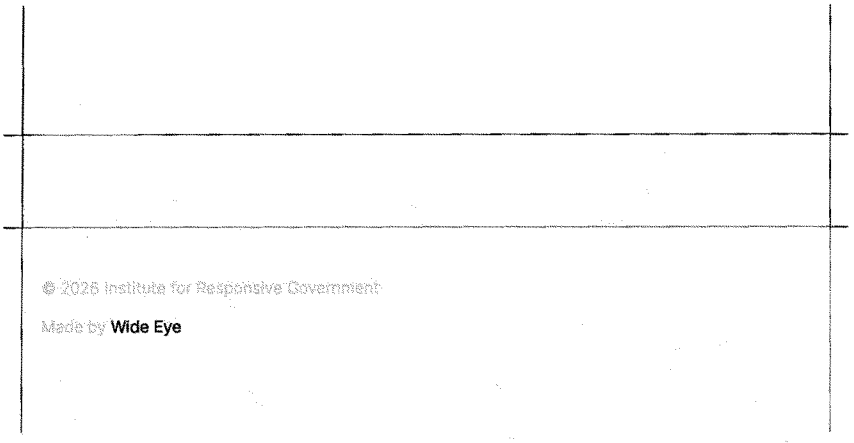
Federal law requires election officials to retain ballots and other election-related material for 22 months after a federal election in case a recount or investigation needs to take place.

Every state allows members of the public or political party designees to be poll watchers and observe tabulation or other election processes.

Election officials have procedures to maintain and document the location and status of ballots and voting equipment, ensuring that all elements of the election system are accounted for.

Sources: Federal law, U.S. Election Assistance Commission, U.S. Department of Justice, National Conference of State Legislatures, Proceedings from the 2022 International Joint Conference on Electronic Voting, Verified Voting.

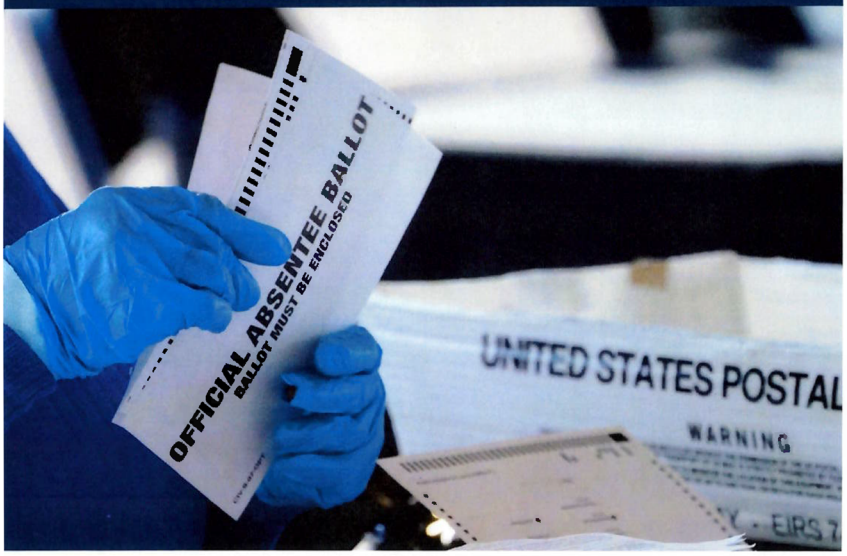
Link To Original Report



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Report on the "Election Oversight Group" Allegations About the 2020 Election in Fulton County, Georgia



Based on a thorough analysis of the publicly available information, this report identifies extensive flaws in the allegations of the "Election Oversight Group," finding that they do not meet the standards of credible post-election analysis and provide no legitimate conclusions about the conduct or results of the 2020 election in Fulton County.

States United DEMOCRACY CENTER
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Executive Summary



A report from early 2026 alleging findings of errors and fraud during the 2020 general election in Fulton County, Georgia, published by the "Election Oversight Group" and known election skeptic Kevin Moncla, does not meet the standards of a credible post-election analysis. Despite filling hundreds of pages with figures and assertions, the Election Oversight Group Report (EOG Report) contains no legitimate conclusions about the conduct or results of the 2020 election in Fulton County.

In contrast to several previous investigations by Georgia state authorities and other experts, the EOG Report suffers from extensive flaws: It relies on faulty and inadequate evidence, unsupported claims, meaningless comparisons, omissions and misreadings of primary sources, misunderstanding of election laws, and disregard for the election safeguards in place in 2020.

This analysis reviews the allegations of the EOG Report with a focus on election data and processes and finds that the EOG Report provides no coherent theory or evidence of fraud and no basis to doubt the results of the election. The EOG Report does not withstand scrutiny and is not a reliable analysis of the 2020 election in Fulton County.

Introduction



This analysis provides an independent review of the spurious allegations regarding Fulton County's 2020 general election made in "Fulton County: Report of Investigation of the 2020 General Election."[1] Published on Jan. 6, 2026, and produced by known election skeptic Kevin Moncla and the "Election Oversight Group," the EOG Report sets out 26 "Counts" that purport to establish fraud, or the likelihood of fraud, in the 2020 election. Some of these allegations form the core of the affidavit supporting the search warrant for the FBI's raid on the Fulton County Elections Hub on Jan. 28, 2026.[2] These events demonstrate the importance of evaluating highly unusual claims like those in the EOG Report with scrutiny, skepticism, and election expertise.

The analysis below is based on a thorough review of all 26 Counts of the EOG Report, including those in the Fulton County search warrant affidavit, as well as an additional claim appearing in that affidavit. It draws on public records, including contemporaneous election documentation, records of election observation, Georgia state law, and multiple previous investigations into Fulton County's 2020 general election results by state authorities, independent investigators, scientists, and other experts. The analysis also draws on the authors' expertise in data analysis, election law, and election administration.



The three authors of this analysis are election experts and scholars: Justin Grimmer, professor of political science at Stanford University and a senior fellow at the Hoover Institution; Stephen Richer, former Maricopa County Recorder, Cato Institute legal scholar, and senior fellow Harvard Kennedy School's Ash Center; and Ryan Germany, former general counsel for the Georgia Secretary of State's Office. This report was commissioned by States United Democracy Center, a nonpartisan organization advancing free, fair, and secure elections.

IN THE PAGES THAT FOLLOW, THIS REPORT:

- **Outlines the flaws** of the EOG Report in an initial discussion.
- **Explains the reliable safeguards** built into Fulton County's 2020 election system—best practices used in most U.S. elections.
- **Summarizes past investigations** into the accuracy and lawfulness of Fulton County's 2020 general election results.
- **Examines and demonstrates the flaws of all 26 Counts** of the EOG Report, including those in the Fulton County search warrant affidavit, as well as an additional claim appearing in that affidavit.

Together, these sections demonstrate why the EOG Report is not a reliable analysis of the 2020 election in Fulton County.

A Note About Terminology And Scope

The document that is the focus of this analysis refers to itself as a "report" and an "investigation." Filled with references to statutes and statistics, it purports to offer a "comprehensive overview" of 26 "Counts," each of which propose a "statement of fact" and "potential violations of law" in the administration of Fulton County's 2020 election. While these terms suggest analytical rigor and legal authority, the EOG Report consistently fails to provide evidence to support its claims of willful behavior or to set out a coherent theory of fraud. The Counts are composed of errors, contradictions, and faulty logic. The legal allegations in the EOG Report are similarly flawed, but the discussion below addresses only the legal flaws most salient to our analysis.

Discussion



A few examples illustrate the pervasive flaws in the EOG Report. The first "Count" is that voting systems were "reprogram[med] immediately before the 2020 general election."[3] Putting aside that this allegation is factually inaccurate, the EOG Report does not link machine software to any impact on the election, malfeasance, or fraud.[4] Nor does the EOG Report acknowledge or address the many safeguards in place designed to ensure that voting machines produce accurate results. These safeguards ranged from the use of printed paper ballots that voters were instructed to check for accuracy to the risk-limiting audits designed to detect mismatches between those paper ballots and the votes recorded in the cast vote record (CVR).

The failure to address these safeguards is a significant omission and shows why Count 1 and the broader EOG Report are not logically sound. As this analysis details, in Fulton County in 2020, as in virtually every American election, safeguards designed to detect fraud and errors—including in the programming of machines—were in place. The EOG Report's failure to address these safeguards—either by simply ignoring them or falsely asserting that they were not employed in the election—is just one indicator of the weakness of its analysis.

A similar issue affects the EOG Report's Count 3, which concerns Fulton County's order of roughly one million ballots before the 2020 general election. The EOG Report concedes that the order of ballots broke no laws, but nonetheless asserts that it "goes to means, method and opportunity as further detailed in subsequent counts, and is important to consider in overall scope," and "[p]otentially [is] an overt act."[5] As an initial matter, the EOG Report fails to articulate in Count 3 or any other Count how these ballots are tied to the outcome of the election—leaving these details to the reader to fill in. And to the extent the EOG Report intends to insinuate that there was a scheme to commit election fraud in Fulton County in 2020, the EOG Report fails to offer any theory as to how these million ballots could have been fraudulently entered into the count without being detected.

In other places, the EOG Report misreads evidence and then uses that "evidence" to make false allegations. For example, the EOG Report's Count 4 alleges that absentee ballot signature verification did not occur.[6] This is both untrue and unsupported by the evidence cited in the EOG Report; ballot verification did in fact occur, as confirmed by election data and as documented by contemporaneous observers of the election.



Purposefully or not, the EOG Report also fundamentally misunderstands the role of certain election records. For example, its claims about unsigned tabulator tapes and purportedly destroyed ballot images (Counts 6 and 7) ignore that neither tabulator tapes nor ballot images are used to generate election results.[7] Nor are they the best evidence of the election outcome. In Fulton County in 2020, as elsewhere in the country, paper ballots and cast vote records are used to both count and verify the results—not tabulator tapes or ballot images. And the EOG Report ignores the fact that neither unsigned tabulator tapes nor missing ballot images is any indication of fraud; the election results can still be verified through the comparison of the actual paper ballots and the cast vote record.

Other Counts fail because the authors deploy incomplete or inaccurate data. For example, Count 25 claims that 25,534 more ballots were counted in the 2020 election than voters given credit for voting.[8] But the EOG Report's count of voters stops during the early voting period, several days before Election Day—while its count of ballots goes through Election Day. This is a basic data error that says nothing relevant about Fulton County—but is illustrative of the errors in the EOG Report. In other Counts, the EOG Report treats everything from public records disputes (e.g., Count 8) to disputes over approval processes in municipal law (e.g., Count 11) as indicators of fraudulent or willful conduct, again without providing any theory of fraud.[9]

Finally, the EOG Report fails to even suggest a plausible theory of fraud or significant error, much less a theory that could explain how fraud could have escaped the safeguards Fulton County implemented in 2020. Instead, as set out below, all the relevant evidence confirms what the prior counts and investigations by state officials and other experts demonstrated: That the election officials in Fulton County, despite making human errors exacerbated by new election equipment, administrative changes, and the COVID-19 pandemic, produced election results that accurately reflected the will of Georgia voters in 2020.

Factual Background About Election Safeguards



For context in evaluating the EOG Report's claims, we first review the safeguards against fraud and error that existed in Georgia in 2020. Elections are complex. States and election officials deploy strong and robust procedures designed to ensure that errors are caught and the rare instances of fraud detected. These kinds of procedures and safeguards were required by Georgia law in 2020.

Each of these safeguards is designed to ensure that there is no single point of failure in the conduct of the election—meaning that problems in any one process or technology will not change the outcome. There are also automatic checks, including risk-limiting audits and reconciliations, designed to produce a signal if there is a significant issue in the conduct of the election—even if no safeguard is known to have failed. Understanding these processes can help anyone understand why the EOG Report's claims about fraud are untenable.

1. Safeguards to ensure ballots are submitted by eligible voters.

In Georgia, safeguards against errors and fraud began with voter registration. Most voters are registered through the automatic voter registration process at the Department of Driver Services (DDS).[10] For more than a decade, DDS has required proof of identity and either citizenship or legal residence in the United States. Only applicants who have proven their citizenship are offered the opportunity to register to vote at DDS.[11] Even voters who do not register through DDS have to prove their identities; every voter has to be matched against the DDS or U.S. Social Security Administration database, or they have to submit proof of identity manually before they vote for the first time.[12] These procedures are strong safeguards against registration and submission of large numbers of "fake" registrants. Furthermore, most of the information in the voter lists is publicly available and heavily used by civic groups, Republican and Democratic political campaigns, and election officials to reach voters—and none have identified any reason to believe that there were a large number of fake registrations in Georgia or Fulton County in 2020.

Further, every in-person voter in Georgia has to show identification.[13] That was true in Fulton County in 2020. During in-person voting, poll workers checked voters' IDs, then scanned the ID into an electronic poll book that associated the ID with the voter's record.[14] The voters' records were then checked to see if they had requested an absentee ballot, and if so, if that absentee ballot had already been voted.[15] If they had not already voted but were eligible, they were checked in and permitted to vote.[16]

Mail absentee voters were required to apply for absentee ballots.[17] The requestor's signature and eligibility were checked,[18] and their ballot would only be sent to the address on the registration or a temporary address outside the county of registration.[19] When returning the mail ballot, the voter was required to sign the mail ballot envelope, so the election official could verify that the ballot was submitted by the registered voter—and not someone else.[20] As with in-person voting, if the ballot passed these checks, the voter was marked in the system as having voted, preventing them from voting again.[21]

In addition to these security measures, any registered voter who goes to vote would be told if there had already been a ballot submitted in their name. Further, as in 2020, the record of who votes in an election is public. That data is made available to, and regularly used by, political campaigns and researchers.

2. Safeguards to ensure that ballots, and the count, reflect voter selections—and are not the result of hacking, errors, or fraud.

Georgia law also imposes strong safeguards against hacking, fraud, or errors in the equipment used to create and count ballots. In 2020, the state acceptance-tested all equipment before the counties received it.[22] Then, before the equipment was used in the election, it was subjected to pre-election public testing, called logic and accuracy testing.[23]

a. In-person voting and tabulation equipment.

Georgia's acceptance-testing and pre-election logic and accuracy testing are designed to ensure that, for in-person voters who vote using voting machines that print their ballots, the voting machines are programmed to display every voter's sections correctly, the ballot printed the voter's sections exactly, and the tabulation equipment tallies exactly the votes that the voter selects.[24] Indeed, in 2020, pre-election logic and accuracy testing spotted that one contest was displayed incorrectly on voting machines under certain circumstances; as

a result, a patch was developed and applied prior to voting.[25] The federal Election Assistance Commission (EAC), the body responsible for promulgating voting system security testing requirements, determined that the patch was minor and that additional testing by the EAC was not required.[26]

In addition to testing in 2020, all in-person Georgia voters received a printed, paper ballot displaying the choices they entered into the voting machine.[27] State Election Board rules required a poll worker to instruct voters to review this paper ballot for accuracy before putting it into the tabulation equipment to be counted.[28] This means that every in-person voter had the opportunity to ensure that their printed ballot accurately reflected their selections. Fulton County received no meaningful reports of machine errors in recording votes or other operational errors during the election.

After in-person voters verified their ballots, they walked to the optical scanner and inserted their ballot to be scanned and counted. The scanner read the ballot and stored the voter's choices on a memory card, as part of a cast vote record of all the votes that the machine counted from the ballots it scans.[29] This memory card was secured with a tamper-evident seal and either locked or placed under constant supervision.[30] After the voter scanned the ballot, it was deposited into a locked and sealed ballot box before exiting the polling location.[31] This ballot box was required to be checked on the first day of early voting and on Election Day by the poll manager and two witnesses who confirm it is empty.[32] Poll managers were also



required to confirm that the scanner was not tampered with prior to each day of early voting.[33] And recap sheets were required to be kept every day of early voting and on Election Day to track the number of voter check-ins, printed ballots, and scanned ballots.[34] Georgia law further imposed chain-of-custody procedures for transferring the ballots from the box to ballot containers for transportation after the close of the polls.[35]

After the polls closed on Election Day, the poll manager and two election officials were required to end voting at the polling place under public observation.[36] The poll manager and two election officials were required to place the memory card from the scanner into an envelope with a tamper-evident seal for transport back to the county election headquarters in order to report the results.[37] Transporting the card back to the county election headquarters for official counting required at least two election officials, who delivered the sealed envelope to the election superintendent, following chain-of-custody procedures.[38] Georgia law required the election superintendent to then break the tamper-evident seal on the envelope, remove the memory card, and upload the cast vote record to an elections computer that is not connected to the internet[39]—called an "air-gapped" computer. That computer aggregated the votes from this memory card and all others into initial results.[40]

The memory cards were used to produce tabulator tapes, which are paper copies of the votes recorded on the memory cards, and contained ballot images, which are images of the ballots that are scanned. However, it is the CVR stored on the memory card that is the source of the aggregated and reported results. While tabulator tapes and ballot images are sometimes used as an additional check on the results produced by CVRs, they are not the basis for reporting results.

b. Absentee tabulation equipment.

As noted above, after the election official conducted eligibility checks and signature verification of the absentee ballot application, voters were mailed a ballot, which they filled out by hand and returned in signed envelopes (with the ballot sealed in another envelope enclosed in the signed envelope) to an election official.[41] If the voter's signature was verified and the voter had not already voted, election officials separated these ballots from their envelopes and scanned them, using a combination of (1) the same type of optical scanners with memory cards used at in-person voting locations and (2) optical scanners that stored their CVRs directly into an election office air-gapped computer.[42] All of these machines and tabulation processes were subject to the same accuracy testing described above.



c. Ballot preservation, reconciliation, and audits.

The original ballots from both in-person voting and absentee voting were also required to be securely stored. This ensured that the paper ballots could be hand-counted and compared against the machine tally generated from the CVRs. This comparison, in turn, was used to confirm that there was no tampering with the tabulation equipment or the ballots themselves.[43] Fulton County conducted exactly this kind of comparison in 2020. As discussed in more detail below, the point of this comparison is not to ensure that the hand count and the machine count match exactly; humans are generally not capable of generating precise results on large numbers of ballots.[44] Instead, this process is designed by statistical experts to detect whether there were problems with the machine count, like tampering or errors in programming, that would affect the result.[45]

If the margin of victory is especially close, sometimes a full hand count will be performed. Full hand counts are counts by humans of every single vote in an election or contest. They are generally used to ensure that the machine count worked as intended. That is what happened here; in Fulton County in 2020, both a full hand count of ballots and a candidate-requested machine recount—all observed by observers from both political parties and the public—confirmed the outcome of the presidential election.[46]

FULL HAND COUNTS

For a deeper look into full hand counts, see *The Reality of Full Hand Counts: A Guide for Election Officials*, written and designed in partnership between the States United Democracy Center and The Elections Group (Feb. 6, 2024).



Like election jurisdictions across the country, Fulton County in 2020 employed safeguards against the injection of fraudulent ballots. The voter and ballot check-in processes described above for both in-person and absentee voters, which are designed to ensure voters are eligible and verified, were reconciled against the number of ballots counted.[47] This reconciliation process helps ensure that there are no significant differences between the number of ballots counted and the number of recorded voters in the election. Contrary to the EOG Report's inaccurate assertion,[48] Fulton County performed such a reconciliation in 2020.[49] Though Fulton County's reconciliation did not result in an exact match of ballots cast and voters, the difference was minimal and likely due to issues during early voting with poll workers properly crediting voters for voting. It certainly does not suggest malfeasance or fraud, but rather human error that did not even come close to affecting the result of the election.

Numerous Audits and Independent Reviews of Fulton County's 2020 Election Confirmed Its Results

The margin in the 2020 presidential election in Georgia was close, and the race received national scrutiny. As a result, many of the allegations raised in the EOG Report have been exhaustively investigated and dismissed as unfounded by state authorities, independent investigators, scientists, and experts.

1. Statewide Risk-Limiting Audit

On Nov. 19, 2020, Georgia conducted a full manual tally of all ballots cast in the presidential contest statewide. The Secretary of State's Office described this process as a risk-limiting audit that, because of the narrow margin, escalated into a hand count of the presidential contest on every ballot.[50] The audit confirmed that the original machine count had accurately determined the winner in the presidential contest.[51] The largest difference between the original count and the audit was in Calhoun County, with a difference of 0.73%.[52] In Fulton County, the audit reported 634 additional votes counted (0.121% of the total number of votes cast), with 345 net votes for President Trump, a difference of just 0.066% compared to the initial count.[53] The audit narrowed President Biden's margin of victory in the county from 243,904 votes to 243,559 votes, and in Georgia overall from 12,780 to 12,284 votes.[54]

The Secretary of State designated the Carter Center, a nonpartisan nonprofit, to observe the risk-limiting audit. In its report, the Carter Center concluded that the audit "confirmed the original results of the presidential election in Georgia."[55] While "[t]he process did not unfold exactly as it was envisioned at the outset" (referring to the fact that the audit was not initially conceived as a full hand count), the "results of the hand-tally process were very close to the results of the initial machine count," which the Center notes "should help allay concerns about the accuracy of the BMDs and scanners used in Georgia's elections."[56] Additionally, VotingWorks, an organization that provided Georgia election workers with training and support, published a post-audit report again reiterating that "[t]he audit confirmed the original result of the election."[57]

2. Candidate-Requested Machine Recount

After the audit, the Trump campaign requested, and Georgia performed, a machine recount.[58] To conduct the machine recount, each county retabulated their election results, rescanning and recounting all paper ballots.[59] The public and both parties observed this recount.[60] On Dec. 7, 2020, the Secretary of State announced that the recount again upheld the outcome and he recertified the election results.[61] In Fulton County, the recount found 932 fewer votes for President Biden and 7 more votes for President Trump, adjusting the final margin by 0.385%.[62] By that point, the state had subjected the presidential contest to three different counts: the original tabulation, the full hand count audit, and the machine recount.

3. Seven Hills Report

Seven Hills Strategies, an independent, nonpartisan private consulting firm, also monitored the November 2020 Fulton County election under contract with the State Election Board. Seven Hills observed signature matching, the voting process, ballot processing, tabulation, auditing, and retabulation.[63] After the general election, Seven Hills produced a post-election summary report based on nearly 270 hours of observation; the report concluded that there was no evidence of fraud or accused malfeasance that would undermine the certified results.[64] While the report criticizes certain aspects of Fulton County's election administration practices, it emphasizes that across the initial tabulation, risk-limiting audit, and recount, there was no "dishonesty, fraud, or intentional malfeasance."[65] The Seven Hills Report, which is an eyewitness, real-time account, confirms that while not every election procedure was executed perfectly, the fraud and conspiracy claims made by the EOG Report cannot be true.

4. Performance Review Board Report on Fulton County Elections

The bipartisan report of the Performance Review Board, commissioned by the State Election Board to conduct a "thorough and complete investigation" of Fulton County's election practices, examined both the 2020 election and the county's performance in subsequent elections in 2021 and 2022.[66] The report concurred with the findings of Seven Hills and the Secretary of State's investigators that there was no evidence of fraud, dishonesty, intentional misconduct, or large systematic issues that would have affected the result of the 2020 election.[67]

The Board emphasized that the initial count, risk-limiting audit, and machine recount all showed very similar results, and that while Fulton County had a history of election administration issues that made it difficult to explain the exact reasons for each mistake, the issues that had arisen were in fact consistent with an election process that contained human error, but not fraud or intentional malfeasance.[68]

5. MITRE Report

Dominion Voting Systems retained the National Election Security Lab at the MITRE Corporation—a nonprofit think tank that operates federally funded research and development centers—to undertake an independent technical review of claims that the ballot marking devices (the machines used to document and print an in-person voter's choices on their paper ballot, or BMDs) used in Georgia in 2020 were vulnerable to outside attacks and manipulation. These claims were raised by an expert for the plaintiffs in a lawsuit related to the 2020 election.[69] MITRE's report concluded that, even assuming Professor J. Alex Halderman's assertions regarding potential BMD vulnerabilities were correct, the proposed attack scenarios were operationally infeasible in real-time election conditions.[70] The report rejected the claim that the proposed scenarios provided a realistic basis for changing an actual Georgia election outcome.[71]

6. Fulton County Response to Complaints Regarding the Nov. 3, 2020 Election



The Fulton County Department of Registration and Elections itself conducted an investigation into all three tabulations in the 2020 election, based on complaints of irregularities asserted over three years.[72] The memo acknowledges weaknesses and human error in the county's election administration practices. However, Fulton County identified no evidence that the election's outcome was untrustworthy. All physical ballots were accounted for, multiple investigations and court challenges had previously confirmed the election results by that point, and existing processes (including a Secretary of State monitor) confirmed that there had been no undiscovered errors affecting the result.[73]

7. SOS Reports of Investigations into SEB Complaints

In addition to the statewide audit, recount, and broader performance reviews, the State Election Board (SEB) referred a series of Fulton County complaints to the Secretary of State's Investigations Division for formal review. Those matters were investigated in detail through interviews, document review, video analysis, data reconciliation, and examination of election records. The resulting Reports of Investigation (ROIs) addressed many of the same allegations now recycled by the EOG Report and found no evidence of fraud or anything that would undermine the outcome of the 2020 election.

a. SEB2021-181, Fulton County Data Review

First, a complaint to the SEB by one of the authors of the EOG Report—Joseph Rossi—claimed that errors in Fulton County's risk-limiting audit undermined the reliability of the 2020 result.[74] The Secretary of State's investigation determined that, while human data-entry errors occurred, many of the complaint's allegations were based on misunderstandings about how different files and systems work.[75] For example, complainants incorrectly assumed that batch names in different systems had to match, or incorrectly relied on an absentee voter file generated too early to capture all post-election voter credit, or failed to account for categories of votes such as provisional ballots.[76] Secretary of State investigators confirmed the presence of human data-entry errors in Fulton County but concluded that those errors were expected in a hand tally at that scale and did not affect the audit's result.[77] None of the complaint's claims undermined the audit, the purpose of which was to confirm the winner rather than produce a mathematically perfect recount, or made a plausible case or fraud or malfeasance.[78]

b. SEB2023-025, Fulton County Tabulation

Another complaint, this one brought by both Joseph Rossi and Kevin Moncla, focused on Fulton County's recount records and argued that duplicate ballot images, missing tabulator tapes, and batch discrepancies called the results of the election into question.[79] The Secretary of State's review found these claims without merit. State investigators identified fatal flaws in the complaint's analysis, including conflating total ballots cast with votes cast in the presidential contest (that is, presuming without basis that every voter must have voted for the presidential contest on a ballot that contained multiple other races and propositions), as well as treating election administration documents—such as tabulator tapes, ballot images,

and batches loaded reports (BLRs) used to upload results—as final reporting documents rather than interim reports.[80] While the investigation concluded that Fulton County had encountered batch-management and scanner-programming issues during the recount, the county addressed them by isolating the affected batches, rescanning them, and validating the final totals.[81] The Secretary of State criticized aspects of Fulton County's elections administration and recordkeeping but found no evidence of any discrepancies that would have affected the result of the election.[82]

c. SEB2020-059, State Farm Arena

Another complaint submitted to the State Election Board alleged that Fulton County election workers at State Farm Arena secretly processed fraudulent ballots after observers were told to leave on election night.[83] The Secretary of State's investigators found that those allegations were not supported by the evidence. Investigators from the Secretary of State's Office, together with the FBI and Georgia Bureau of Investigation, reviewed the full unedited surveillance footage and interviewed the relevant witnesses.[84] They determined that observers were not ordered to leave, that ballot containers containing purportedly fraudulent ballots were ordinary ballot bins rather than hidden "suitcases," and that the ballots being scanned were lawfully processed absentee ballots.[85] In the end, the Secretary of State concluded that the allegations were unsubstantiated and that the evidence did not show fraudulent ballots were counted.[86]

d. SEB2020-203, Fulton County Tabulation & Audit Issues

Still another SEB matter gathered a broad assortment of Fulton County-related allegations, ranging from State Farm Arena claims to supposed problems with test ballots, purportedly suspicious ballots observed during the audit, and allegations of securing ballots improperly.[87] Secretary of State investigators found no basis for the claim that the State Farm Arena events involved fraudulent tabulation and no indication that the cited procedural concerns changed the election outcome.[88]



8. Pro V&V Forensic Audit

Soon after the election, on Nov. 12, 2020, the Georgia Secretary of State directed Pro V&V, an accredited voting system testing laboratory, to conduct a forensic audit of a random sample of the voting equipment used in Georgia. Pro V&V examined 18 machines in six counties to verify that they were running the correct software.[89] The counties included in the audit were Cobb, Douglas, Floyd, Morgan, Paulding, and Spalding; Fulton County was not included.[90] On Nov. 17, 2020, the Secretary of State announced that the audit found no evidence of tampering and confirmed that the equipment examined was using the certified software and firmware.[91]

Analysis

As discussed above, the EOG Report's claims, which it refers to as "Counts," neither provide evidence to support its claims of willful behavior nor set out a coherent theory of election fraud. The analysis below outlines flaws in each Count.



COUNT 1

Count 1 asserts that Fulton County performed "a complete installation of [] new and untested" software onto its BMDs, suggesting that this nullified the certification of the software by the Election Assistance Commission.[92] Multiple publicly available documents confirm that there was no issue with EAC certification, including a judicial opinion in which a federal district court judge examined, and rejected, related complaints about the same software. Moreover, the EOG Report provides no evidence that software installed—a patch to a display issue—had an impact on the election. And there is more than sufficient evidence to conclude that it did not.

Voters in Georgia's 2020 presidential election voted on hand-marked or printed ballots—in either case, a ballot on paper. Election security professionals strongly recommend the use of paper ballots because they create an immutable, auditable paper trail that voters are instructed to check for accuracy.[93] Any concerns about tabulation error can be disproven by hand counts or recounts of the original paper ballots. In 2020, Georgia had exactly such an immutable paper record to audit, ensuring that the outcome of the election was sound.

Georgia recounted the paper ballots from the 2020 presidential election twice—once by hand and once by machine. Those additional counts affirmed that the machine count produced accurate outcomes. The hand count audit relied on the text on the ballot. The machine recount used scanners, but State Election Board regulation required each scanner to be successfully tested with a stack of ballots and confirm that it is correctly recording the results prior to use in the recount.[94]

Regardless, the installation of the patch at issue had no impact on EAC certification. At the time of the 2020 presidential election, Georgia law required that all election equipment be "certified by the United States Election Assistance Commission prior to purchase, lease, or acquisition."[95] The equipment Georgia purchased in 2019 met this requirement for EAC certification, and counties used the certified equipment in all 2020 jurisdictional elections, as well as the 2020 primary, prior to the November presidential election.[96]

Before each election, Georgia officials tested the certified equipment. On Oct. 5, 2020, prior to the tabulation of any ballots, Elections Director Chris Harvey notified all county election officials and county registrars of an issue with the BMDs—"that, in certain rare circumstances, caused the second column of candidates in the U.S. Senate Special Election to not correctly display on the touchscreen."[97]

Dominion, the manufacturer of the election equipment used in Georgia, quickly found a software patch solution. They then shared that solution with Pro V&V, the aforementioned federally accredited voting system testing laboratory.[98] Once Pro V&V reviewed the proposed solution, they concluded that there was "no reason why the EAC will not agree with our determination and I expect the EAC to approve the change as *de minimis*."[99]

The EAC agreed that the solution proposed by Dominion's team was *de minimis* and therefore did not jeopardize the federal certification of the equipment. Furthermore, a federal court recognized this. In response to litigation challenging the use of the BMDs in the November 2020 election, a federal court permitted the use of the devices, noting that the EAC had approved the solution as *de minimis* on Friday, Oct. 9, 2020, before any voting, and that "[t]he Court is certainly not in the position to second guess the EAC's approval."[100]

The Count concludes by asserting that "[t]he EAC requires any software changes to be tested and approved before it's [sic] installed."[101] The EOG Report provides no citation to this purported requirement nor any showing that it would be applicable to this *de minimis* patch. But, in any case, this complaint about the timing of the installation of the patch demonstrates nothing relevant about the 2020 election in Fulton County. It has no impact on the election or its accuracy, and the authors claim none.

Finally, it should be noted that the EOG Report makes no attempt to show how this claim is particular to Fulton County. The patch at issue was applied throughout Georgia. The EOG Report offers no rationale for targeting Fulton County in connection with this complaint, while ignoring all other 158 Georgia counties.

COUNT 2

Count 2 alleges that Fulton County was required to, but did not, conduct additional testing on their BMDs after installing the software they complain about in Count 1.[102] This Count is equally irrelevant.

As discussed in connection with Count 1, Georgia purchased EAC-certified ballot marking devices for use in all 2020 elections, including jurisdictional elections and the statewide primary. The

patch applied did not jeopardize certification. Georgia tested its election equipment prior to its use in each election, including the 2020 presidential election.

But fundamentally, as with Count 1, even if the facts alleged in Count 2 were accurate, it would still cast no doubt on the outcome of the election or suggest fraud. Voters were told to verify that the selections on their paper ballots were correct, and there were post-election audits of the paper ballots. Both recounts of the ballots—one by hand, one by machine—affirmed the accuracy of the original results in the presidential contest.

COUNT 3

Count 3 concerns Fulton County's order of roughly one million ballots before the election. The EOG Report concedes that this order was legally permissible, but it nonetheless suggests it was related to some impropriety, asserting that "it potentially goes to means, method and opportunity as further detailed in subsequent counts, and is important to consider in overall scope."[103] It goes on to assert: "Potentially an overt act."[104] While it is unclear what "overall scope" or "overt act" mean here, the EOG Report apparently intends to suggest that the ballot order is best understood as an attempt to facilitate fraudulent injection of ballots into the election.

What the EOG Report fails to mention, intentionally or not, is that the orders were placed to address specific issues. On Jan. 1, 2021, Gabriel Sterling, then Chief of Operations for the Georgia Secretary of State's Office, explained on social media: "When the Fulton warehouse was hit with Covid, they were concerned they couldn't get the work done (logic & accuracy testing) before Election Day and they ordered 100% emergency ballots as a back up"; that is, Fulton County doubled their planned ballot supply just before the election.[105] And as Sterling noted, there were also concerns about the readiness of machines or whether the use of machines could be enjoined before the election. On Oct. 11, 2020, a federal judge had denied a request for emergency relief that would have required Georgia "to conduct in-person voting . . . by a hand-marked paper ballot system" for the 2020 election.[106] While Georgia was permitted to use BMDs as a result of the judge's order, the November 3 election was within the 30-day window for an appeal and possible emergency relief from a federal court of appeals.[107] This resulted in further uncertainty and counseled preparation for any eventuality.

To be clear, if the ballot marking devices were not ready for the 2020 election or were enjoined by court order, Fulton County would have needed to use paper ballots to ensure that voters could participate in the election. Fulton County had approximately 800,000 registered voters before the 2020 election. Fulton County's extra ballots covered the registered voter population, plus an additional 30%. There is nothing nefarious in those numbers; those additional ballots would allow voters to make mistakes on their ballots and receive new ballots and ensure that different precinct

combinations would be covered. States have different approaches and regulatory guidance regarding the number of paper ballots jurisdictions should have on hand. For example, North Carolina mandates that counties that have to use "pre-printed ballots" "order ballots at least equal to 100% of the number of registered voters in the county corresponding to each ballot style."[108]

The EOG Report attempts to cast Fulton County's concerns as unreasonable. But it fails to articulate a specific security risk from the extra ballots or allege that a single extra ballot was illegally cast. As described above, the reconciliation performed by Fulton County ensured that there were no significant differences between the number of ballots counted and the number of recorded voters in the election.[109] The EOG Report is merely speculating, without evidence or logic, that the extra ballots are cause for concern.

COUNT 4

Count 4 claims that "Fulton County failed to perform signature verification of absentee ballot envelopes for the 2020 General Election in accordance with Georgia law, and in contravention of the terms of a Consent Order to which Fulton County voluntarily agreed."[110] The EOG Report claims that the "evidence establishes that Fulton County's failure was willful and intentional" and that "little to no signature verification occurred in many counties across the state for the General Election."[111]



These are explosive claims. And they are false. Indeed, official statistics show that Fulton County rejected absentee ballots for signature-based reasons. And the assigned Seven Hills Strategies monitor confirmed that signature verification was occurring. He was able to confirm this because he witnessed it with his own eyes, in real time.[112]

The EOG Report reaches its conclusion that signature verification did not occur based on faulty data analysis: In reviewing after-the-fact statistics, the EOG Report cherry-picks and arbitrarily redefines what qualifies as a signature-based rejection in support of its assertion. It compares the overall ballot rejection rate in 2018 to the signature-based rejection rate in 2020.[113] But there are many reasons absentee ballots can be rejected beyond issues with the

voter's signature, so this is a faulty comparison. From this faulty comparison, however, the EOG Report concludes that there must have been a problem with signature verification. In fact, an accurate comparison puts this claim to rest: The statewide rejection rate for signatures in the 2020 general election was similar to the statewide rejection rates for signatures in the 2018 election.[114]

The additional "evidence" the EOG Report cites betrays its conclusions. The emails that the EOG Report cites explicitly describe the signature verification process that occurred in Fulton County—confirming that signature verification was, in fact, performed.[115] The EOG Report intentionally misreads the included emails, highlighting out-of-context quotes to reach a conclusion contradicted by the actual text of the communications—and all the other available evidence.

Contemporaneous Observation and the Emails Included in the EOG Report Confirm That Manual Signature Verification Occurred. For example, the EOG Report quotes a source stating that, "[w]e will not be able to implement the automated signature verification process until after the November election."[116] In that same email, which the EOG Report neglects to quote, the author states that they are building "efficiencies in the manual signature verification process"—confirming that manual signature verification will occur.[117]

The EOG Report speculates that manual verification was impossible without a large number of workers. But this claim fails to account for the clear verification process in place, as described in the very emails it discusses. Indeed, the Seven Hills Strategies report, which the EOG Report relies on extensively in connection with other Counts, reports that "the signature matching processes [were] in line" with requirements and "generally erred on the side of 'give it further research' when there was any doubt about a signature's authenticity."[118]

Fulton County Rejected Ballots for Signature Reasons in the 2020 Election. Using the Georgia Statewide Absentee Voter History file, we find that 0.3% of absentee ballots in Fulton County were rejected for signature reasons, constituting 434 total ballots. Statewide in Georgia, outside of Fulton County, 0.1% of absentee ballots were rejected for signature reasons. So, Fulton County's rejection rate for signatures in 2020 exceeded the rejection rate for signatures in other Georgia counties.

The EOG Report claims that only six ballots were rejected in Fulton County for signature reasons.[119] To reach this conclusion, the EOG Report arbitrarily defines a ballot as rejected for signature reasons only if 1) the ballot was rejected for "Invalid Signature" (rather than missing signature) and 2) the ballot had a recorded return date.[120] The EOG Report fails to explain why these restrictions are reasonable, or why other ballots rejected for lacking a signature or mismatched signatures without a return date would not constitute evaluation of signatures. In order to reach its conclusion, the EOG Report purposely ignores data that it otherwise relies on to lower the number of signature-based rejections in 2020 in Fulton County.

The EOG Report Confuses the 2018 Statewide Absentee Any-Reason Rejection Rate with the 2020 Statewide Signature-Based Rejection Rate. In Table 1 below, we present the overall rejection rate in Georgia in the 2016, 2018, and 2020 general elections along with the 2020 primary election. Table 1 is taken from Grimmer and Ramaswamy (2024) and uses the Georgia Statewide Absentee Voter History file to calculate the overall rejection rate for absentee ballots and the reasons for each rejection. In the 2020 general election, there was a lower overall rejection rate than in the prior elections. For example, approximately 3.1 percentage points more ballots were rejected in the 2018 general election than in the 2020 general election. But this is not because of a dramatic change in the rate ballots were rejected for signature reasons. In the 2020 election, 0.15% of the ballots were rejected statewide in Georgia for signature reasons. In the 2018 election, 0.2% of ballots were rejected statewide for signature reasons, a mere difference of 0.05 percentage points.

Table 1 points to two clear reasons that more mail-in ballots were rejected in 2018 than in 2020. First, a much larger share of ballots arrived after the deadline in 2018 than in 2020. Grimmer and Ramaswamy (2024) show that in the 2020 election voters on average returned their ballots much earlier than in prior elections, ensuring those voters did not risk their ballots being counted late. Second, a law passed in 2019, HB 316, simplified the information that had to be provided on the envelope for the ballot to be accepted, codifying court decisions that removed requirements that voters include their address and birthdate on the envelope.[121] As a result, a whole category of rejection could no longer occur in the 2020 general election, which explains why the rejection rate would be lower than 2018.

Table 1 Overall Ballot Rejection Rate in Georgia

	2016 GENERAL	2018 GENERAL	2020 PRIMARY	2020 GENERAL
OVERALL REJECTIONS	2.90%	3.46%	0.97%	0.34%
REASONS FOR REJECTION				
Signature	0.28%	0.20%	0.27%	0.15%
Deadline	1.38%	1.57%	0.70%	0.18%
Oath	1.06%	1.50%	0%	0%
ID/Ineligible	0.18%	0.05%	0.01%	0.01%
Other	0.01%	0.14%	0%	0%

Source: Grimmer and Ramaswamy (2024)

The reported signature-based rejection rate in Table 1 is almost certainly an underestimate of the total number of ballots initially rejected for signature reasons. That is because HB 316 also enabled Georgia voters to "cure" their ballots if their signature was rejected. As a result of the legislation, if a voter's ballot was rejected for signature-based reasons, they would be notified and then have the opportunity to show proof of their identity. According to the Secretary of State's Office, 110 ballots were cured in Fulton County. In an attempt to shore up its conclusions, the EOG Report cites a paper that examines the curing process in Georgia during the 2021 runoff election,[122] but inexplicably fails to take into account how curing affected the differences in the rejection rates across elections.

In other words, the conclusions in the EOG Report are based on a basic error: The EOG Report compares the wrong rejection rates across elections. The EOG Report disputes the claim from the Secretary of State's Office that the signature rejection rate was the same in 2018 and 2020 by pointing to aggregate rejection rates across elections.[123] This is an irrelevant comparison, because there are many other rejection reasons, as Table 1 demonstrates.

The EOG Report makes this same error when comparing Fulton and Cobb Counties, mistakenly asserting that Cobb County had a higher signature rejection rate.[124] The EOG Report reaches this conclusion only because it confuses Cobb County's overall rejection rate with its rejection rate for signatures.[125] The EOG Report claims that the Secretary of State chose Cobb County for an audit because:

> With an almost equal number of absentee ballots, Cobb County rejected 486, or 0.3 percent. Said another way, unlike Fulton, Cobb County had actually performed signature verification. Nevertheless, the Secretary would not permit anyone to witness the signature verification audit—not even attorneys representing the sitting President of the United States.[126]

The EOG Report fails to cite a source for this claim. But in the 2020 EAVS survey, an annual EAC compilation of state-by-state data related to the administration of federal elections, Cobb County reported 478 total rejected ballots.[127] In the 2020 Georgia Statewide Absentee Voter History file, Cobb County reported 412 total ballots rejected. In the 2020 EAVS, Cobb reported 104 ballots rejected for signature reasons and in the Georgia Statewide Absentee Voter History file, Cobb reported 105 ballots rejected for signature reasons.[128] This constitutes 0.07% (0.0007) of the absentee ballots returned in Cobb County. In other words, this is a signature-based rejection rate that is less than one-quarter of the rejection rate for signature reasons in Fulton County.

The EOG Report goes on to cite a speculative article posted on the MIT Election Data & Science Lab (MEDSL) website.[129] The EOG Report speculates that signature enforcement increased in the 2021 runoff election after the 2020 election.[130] The paper it cites is as unreliable as the EOG Report, however: It neglects basic facts that run counter to its narrative. For example, the

signature-based rejection rate in the 2021 runoff election was 0.27%, hardly a steep increase from the 0.15% after the general election, particularly given the difference in incentive to cure ballots after each election.[131] The EOG Report speculates about the likelihood of signatures changing across elections, but fails to recognize well-known issues with signature verification—disabled, elderly, and young voters may all have trouble replicating their signature in a way that could lead to rejections. At any rate, differences in the signature rejection rates across elections hardly constitute evidence of fraud or ill intent when running elections.

This Count fails to provide any evidence of fraud or error. The evidence fails to suggest, much less demonstrate, that signature verification did not occur, when Fulton County produced essentially the same rejection rate for signature reasons as in prior elections.

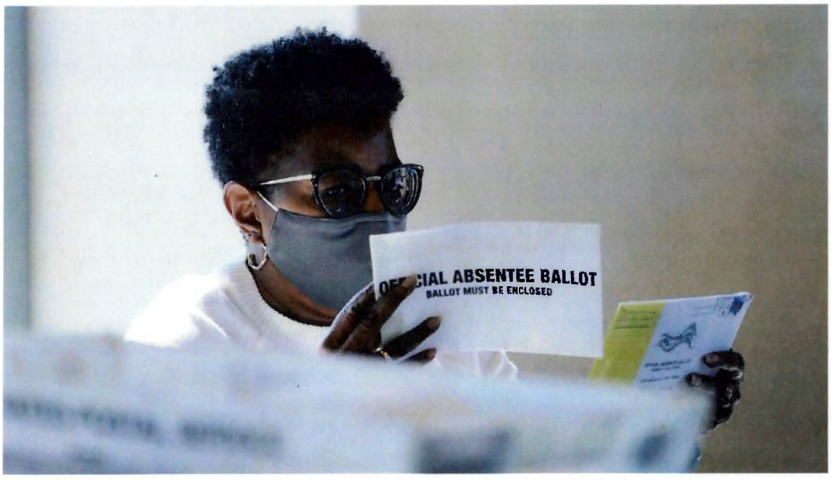
COUNT 5

It is unclear what the EOG Report alleges in this claim. In the Table of Contents, Count 5 is said to begin on page 49 and support the following allegation: "Fulton County Unlawfully Swapped Thirty-Five Advance Voting Tabulator Memory Cards During a Live Election."[132]

But page 49 is titled, "The State-Wide (sic) Signature Audit Was A Ruse," and is a continuation of the claims in Count 4 that references (but does not cite to) an unknown "absentee verification study."[133] The next page, page 50, appears to be Count 5, but it makes a different allegation than the one contained in the Table of Contents: "The Number of Fulton County's Absentee Ballots Doubled After The Polls Closed on Election Day-From 74,026 to 148,316."[134] The heading in the Table of Contents is finally addressed as part of Count 6.[135] The EOG Report on page 50 notes that Count 5 is "developing," and offers only two images: one that shows an absentee ballot count of 74,024 and a later image that shows an absentee ballot count of 148,673, apparently confirming that this Count is intended to center on absentee ballots.[136]

These two images are not evidence of misconduct or error. The EOG Report offers no specific allegation of wrongdoing and makes no attempt at any theory of misconduct or error that could affect an election.

It should be no surprise that the number of absentee ballots tabulated by Fulton County increased significantly after Election Day. Absentee ballots generally may not be tabulated in Georgia until Election Day, and though an SEB emergency rule (later codified in SB 202) allowed counties to pre-process (i.e., scan) absentee ballots prior to Election Day, it was not mandatory.[137] Given the significant increase in absentee ballots in Fulton County (and, indeed, throughout Georgia) in 2020, it would be expected that Fulton County would still be processing and tabulating absentee ballots after Election Day.



Additionally, any absentee ballots dropped off or delivered by the United States Postal Service on Election Day would still have to be signature-verified, processed, and tabulated. Given the volume of ballots at issue, that process necessarily would not occur for many ballots until after Election Day. The phenomenon of absentee ballots dropped off on Election Day is well documented and is not specific to Georgia. For example, in Maricopa County, Arizona, approximately 290,000 voters dropped off their mail ballots on Election Day in November 2022, more than the 250,000 people who voted in person on Election Day.[138]

In the Fulton County 2020 election, as the EOG Report notes, approximately 28% of the vote came from absentee ballots.[139] In Georgia overall, 1,322,529 voters cast an absentee ballot—approximately 26.4% of the total vote.[140] In other words, there is nothing anomalous about the number of absentee ballots reported by Fulton County.

Any theory of unlawful insertion of absentee ballots would have to contend with the fact that every single absentee ballot comes from a ballot affidavit envelope, tied to a specific registered voter, with that voter's signature, and that it is public when a voter votes an absentee ballot. Voters have not come forward alleging that they did not actually vote when given credit for doing so, and certainly not in any large numbers that would support the fraud/conspiracy claims alluded to in the EOG Report.

This Count, though it is deemed "developing," is not credible.

COUNT 6

The EOG Report claims that "[e]vidence produced by Fulton County shows that Fulton County officials fabricated tabulator poll tapes and violated Georgia laws designed to ensure the accuracy of the vote tally with respect to approximately 315,000 ballots in the 2020 election. None of these ballots can be considered legitimate."[141] The "evidence" the EOG Report cites for this claim is a series of accounts of tabulators from the first ballot count and purported discrepancies between the serial numbers and tabulator ID numbers.[142] This claim is repeated in the affidavit for the Fulton County search warrant.[143]

First, the EOG Report contends that a staggering number of ballots from Fulton County are invalid: 315,000 ballots constitute approximately 60% of all ballots in Fulton County.[144] This amounts to a claim that three out of five ballots cast in a county were somehow fraudulent. Further, the EOG Report's complaints concern tabulator tapes from in-person early voting—a highly secure process in which a voter shows their ID, their ID is matched to a specific voter record, and the voter produces their ballot and scans it.

This Count exemplifies the extent to which its authors fundamentally misunderstand the purpose of the tabulator tapes. As discussed above, tabulator tapes are an additional record of votes tabulated, not an authoritative record of the ballots cast in the election. For the authoritative record, election officials have both the actual ballots and the cast vote records. Once the ballots and CVRs are consulted, the tabulator tapes are merely another backup. Thus, the discrepancies in serial numbers and tabulator ID numbers the EOG Report identifies, even if accurate, would not facilitate fraud—and certainly could not suggest the votes reflected in these tapes are "illegitimate." Instead, if true, they are likely due to an administrative error. As the search warrant affidavit notes, "Secretary of State Brad Raffensberger [sic] stated in the media he considered the unsigned tabulator tapes an administrative oversight."[145]

At base, neither the EOG Report nor the affidavit proposes any theory of how manipulating the tabulator tapes would be an effective method for committing voter fraud given that the physical ballots would be inspected in a risk-limiting audit and the physical ballots would be used again in a recount.

In other words, once recount of the ballots occurred and the results of the recount were certified, the tabulator tapes from the initial count are completely irrelevant. So, as the Secretary of State found, the discrepancies the EOG Report identifies are, at most, a clerical error with no consequence for the election results.[146]

COUNT 7

This Count's allegation that the votes from certain tabulators "have no provenance" turns on the allegation that "after numerous [o]pen public records requests . . . we were able to identify ten (10) tabulators to which 20,713 ballots/votes were attributed but no open/zero or poll close tapes were produced."[147] For several reasons, that allegation does not suggest that the votes from those tabulators were falsified or even suspect.

First, this Count, like many others, has already been investigated and invalidated. In its report in response to complaints related to Fulton County's tabulation of the 2020 results, Fulton County found that "[a]ll tabulator results for the November 3, 2020 election are accounted for as evident by records from the project on the [Election Management System (EMS)] server," that "[m]issing tabulator tapes may have been misfiled," and that "Standard Operation Procedures for filing and securing tabulator tapes have been revised to avoid a reoccurrence."[148] This claim was also raised before the Georgia State Election Board. The SEB's professional investigators examined this claim and responded in report SEB2023-025, published on April 9, 2024.[149] Investigators concluded that "[t]he allegation that Fulton County did not have records for 10 AV locations for the November 2020 General Election was **unsubstantiated**. [Fulton County] provided documentation to establish the existence of all 10."[150]

Despite these investigations and conclusions, at base, the EOG Report treats the fact that its authors have been unable to obtain records as reason to question the election. This is a basic logical failure that is repeated throughout the EOG Report.

As discussed above, tabulator tapes are one measure of ensuring the accuracy of the ballot count. Before in-person voting begins, election officials run a "zero tape report" on each tabulator to make sure that tabulator does not have any results already on its internal memory card—whether from test ballots or from a previous election.[151]

But the "zero tape" is not the only means of ensuring the accuracy of the number of ballots cast. For example, the ballot count on the individual tabulators can be checked against the number of voters who have checked in at the voting location and against the number of ballots. Additionally, the number of physical ballots retained by the tabulators at a voting location can also be checked against the number of voters who have checked in and shown voter identification, as Georgia law requires.[152]

Each Georgia voting location is subject to partisan observation, third-party observation, and is staffed by numerous poll workers.[153] These forces together ensure strong oversight of tabulated ballots and make any claim that a bad actor could scan ballot after ballot, uninterrupted, into a tabulator, far-fetched.

As noted, professional investigators spent many hours investigating this claim and found it to be "unsubstantiated."[154] But even supposing that the authors were correct—that Fulton County did not print all records associated with the ten tabulators—it would not, for the reasons above, mean that the corresponding ballots could not be otherwise validated.



This Count boils down to a public records complaint. The "evidence" offered in support of this claim is an allegation that the authors did not receive the records associated with ten particular tabulators. From this, they illogically and incorrectly conclude that the votes associated with those ten tabulators are invalid.

COUNT 8

Count 8 alleges that Fulton County destroyed roughly 374,000 ballot images created during early voting.[155] For starters, it would be more accurate to say that Fulton County simply did not preserve these images—and, indeed, it had no obligation to do so.[156]

Neither Georgia rules nor statutes require preservation of ballot images.[157] The memory cards themselves, including the ballot image records, would be overwritten for use in future elections

once the period for recount expired, as provided by law.[158] (It is only as a result of amendments passed after the 2020 election that election superintendents are now required to preserve ballot images post-election.[159]) This is because, as discussed above, the physical ballots are the source used to adjudicate post-election disputes. The physical ballots were used in the risk-limiting audit. And the physical ballots were used in the recount, not the ballot images. And, in any case, the early voting ballots were all rescanned for the machine recount.

The EOG Report attempts to establish an obligation to retain the ballots through a series of quotes from Charlene McGowan.[160] But it fails to cite any actual law imposing that requirement. It is not surprising that ballot image retention was not required; Georgia law during the 2020 election aligned with the laws of many states.[161] As experts have noted, preserving ballot images is both time-consuming and requires "a baseline level of operation" for local election offices, reflecting significant trade-offs in a "chronically under-resourced" area.[162]

The EOG Report's claim concerning ballot images is repeated in the affidavit supporting the Fulton County search warrant. In that context, the Department of Justice appears to attempt to tie the claim to 52 U.S.C. § 20701.[163] But section 20701 likewise imposes no preservation obligation relevant to ballot images. That section requires preservation of "records ... relating to any application, registration, payment of poll tax, or other act requisite to voting in such election."[164] Ballot images plainly do not fit this bill; they are an additional electronic image of a ballot, not a record relating to voter registrations, poll taxes, or acts requisite to voting an election. Whether or not a ballot image is produced has nothing to do with whether a voter can register to vote or vote. The claim that ballots were not properly preserved is especially irrelevant given that the original paper ballots have all been preserved. Ballot images are just a copy of that original record.

At bottom, this Count appears to amount to a disagreement with the law governing record-retention in 2020. Subsequent amendments to the Georgia Code now require public posting of certain digital ballot images, but those amendments postdate the 2020 election.[165] The authors' preferences for record keeping do not constitute a retroactive statutory requirement. The county relied on the physical ballots to adjudicate claims about the 2020 election. The images were merely additional records of those physical ballots, and their preservation was neither required nor necessary.

COUNT 9

The EOG Report claims that Fulton County "selectively and willfully destroyed" roughly 130,000 electronic ballot image authentication hash files, so-called "SHA files."[166] At no point does the EOG Report actually establish any intentionality. Instead, it infers it from the authors' rendering of what

should have happened. Moreover, the absence of the SHA files, if indeed they were not preserved, is immaterial to whether the election result could be reliably determined or verified. In the end, this Count is nothing more than a complaint about what certain experts were given in litigation.

The primary basis for this complaint is Professor Duncan Buell's statement in the *Curling v. Raffensperger* case.[167] The EOG Report's own text makes clear that the lack of SHA files in the litigation was the issue there, and Professor Buell regarded this as an impediment to "'the expert analysis'" in the litigation.[168] In connection with the actual election, the hash files for the images would only be particularly important if the county did not have access to the physical ballots. So, when Professor Buell complains that he did not have access to certain files,[169] his complaint is about his work as an expert in litigation. That has nothing to do with what Fulton County had available to adjudicate the outcome of the election, nor does it validate the idea that these files were necessary in the election.

In fact, Professor Buell stated that "[a]ccess to the paper ballots and scanning records and extensive testing of them is needed to provide assurance of accurate tabulations, but such access was not permitted at this stage of the litigation"[170]—demonstrating that the paper ballots are the best evidence of the election outcome. The EOG Report itself notes that the state was reluctant to turn these files over to outside groups or parties because their public release "could endanger the security of the voting system."[171] But regardless of what it provided to outside groups, there is no dispute that Fulton County used the original paper ballots and scanning records to initially tabulate and then confirm the tabulation in the subsequent recount. Any hash files were immaterial to those determinations, and like other Counts, no explanation is given as to how these alleged failures facilitated fraud.

COUNT 10

Count 10 asserts that Fulton County "willfully failed to count- and effectively discarded- nearly all votes for qualified write-in candidates" cast during in-person voting.[172] This Count is totally disconnected from any theory of fraud, coherent or not, and demonstrates the EOG Report's tendency to cast any potential irregularity as reason to doubt the election's outcome—despite the absence of, or contrary, evidence.

Georgia allows qualified write-in candidates to compete in general election contests without having won a partisan primary.[173] These candidates must, however, go through a process to become "qualified" write-in candidates.[174] Only write-in votes for qualified write-in candidates are tabulated. This means that if in the 2020 presidential contest, a Fulton County voter had

written in "Luke Skywalker," their vote would not have been recorded as a vote for any candidate, because Luke Skywalker was not a qualified write-in candidate.[175]

Tabulation scanners cannot read handwriting. Accordingly, if the ballot has a write-in candidate, that write-in must be physically or electronically adjudicated by election workers who read the write-in and determine if it should be awarded to a qualified write-in candidate.

It is arduous for a write-in candidate to compete. In the presidential contest, write-in candidates have not historically impacted the outcome. No write-in candidate has won a significant election in Georgia in the twenty-first century.

The EOG Report alleges in Count 10 that somebody "willfully" committed a crime to obstruct the success of a write-in candidate.[176] But the EOG Report fails to establish why a Georgia election worker—under observation from fellow election workers—would commit a crime to deprive a write-in candidate of the infinitesimally small chance of winning an election.

Indeed, the only evidence that the EOG Report cites is a Dec. 10, 2020 email citing a "mistake."[177] That scant evidence itself belies the idea that an election worker "willfully . . . discarded[] nearly all votes for qualified write-in candidates."[178] And the EOG Report acknowledges that some qualified write-in candidates did receive votes in Fulton County.[179]



COUNT 11

Count 11 alleges that the Center for Tech and Civic Life (CTCL) "administered and controlled nearly all facets of the Fulton County 2020 General election."[180] To make this claim, the EOG Report cites emails and documents, but never articulates any theory of what the individuals with the alleged inappropriate access did, how they could have influenced the election for a particular candidate, or why individuals committed to nonpartisan election administration would influence the election results for a particular candidate.[181] At most, the EOG Report's complaint here seems to be a dispute over municipal law approval processes; it is unclear how, if at all, it could connect to the EOG Report's larger contentions.

Like so many of the other counts in the EOG Report, it appears that the authors simply did not like that consultants were used to help Fulton County administer a historically challenging election. But the EOG Report offers no reason to suspect any irregularity by these consultants, nor to suspect that the consultants in any way affected the results.

In fact, there is clear statistical evidence that grants from the CTCL did not cause Biden to receive a larger share of votes. Lal and Thompson (2024), a paper published in the Proceedings of the National Academy of Sciences, examined the connection between CTCL grants to election jurisdictions, overall turnout, and Democratic margin of victory, concluding that "[w]hile Democratic counties were more likely to apply for a grant, we find that the grants did not have a noticeable effect on the presidential election."[182] In other words, for all of the furor, alleged impropriety, and allegations of inappropriate influence, there is no statistical evidence that the CTCL grants affected the results of the election anywhere, much less in Fulton County.

COUNT 12

The EOG Report's Count 12 is also a grab-bag of disconnected complaints that do not indicate fraud or errors in the results. This count centers on State Farm Arena and poll worker Ruby Freeman—both the subjects of many debunked conspiracy theories.[183]

None of the investigations of conspiracy theories regarding State Farm Arena have uncovered malfeasance or fraud. The Secretary of State opened a formal investigation after social media posts that purported to document Ruby Freeman "confessing" to improprieties during tabulation at the arena.[184] Secretary of State investigators, FBI agents, and agents from the Georgia Bureau of Investigation reviewed the surveillance footage from State Farm Arena in its entirety and interviewed all relevant witnesses.[185] Their investigation concluded that allegations about fraud at the arena were unsubstantiated: Contrary to complaints, no election observers had been told to

leave, no ballots had been hidden and later counted out of sight, no repeat scanning of ballots had occurred, and the social media posts attributed to Freeman were fake.[186] Those same claims were examined again in a broader Secretary of State investigation into Fulton County tabulation and audit issues, and investigators again found no support for claims that "suitcases" of ballots were surreptitiously delivered or that poll watchers had been ordered out of State Farm Arena.[187] And, independent of the state investigations, in 2023, a federal jury awarded plaintiffs including Ruby Freeman with more than $148 million for defamation after former New York City Mayor Rudy Giuliani publicly repeated the State Farm Arena claims and accused Freeman and others of election fraud.[188]

The EOG Report's repackaging of those allegations here fares no better. In this iteration, the EOG Report asserts that (1) at some point on election night, observers were told that Fulton County staff intended to stop counting for the night, when in fact staff continued to count; (2) Ruby Freeman operated a scanner she allegedly was untrained and unauthorized to use; and (3) four unsealed mail carts containing absentee ballots "with no chain of custody or provenance" appear in a video taken the morning of Election Day.[189]

Count 12's first complaint, about observers being told that counting would be stopping for the night, even if it were true, establishes nothing relevant. The EOG Report offers no evidence that anyone was prevented from continuing to observe.[190] It also provides no indication that anything occurred other than the reversal of a decision to stop counting. Indeed, the EOG Report appears not to expressly endorse prior conspiracy theories about fake ballots being counted after counting resumed,[191] perhaps because the surveillance video of State Farm Arena shows that is not the case.[192] Instead, the EOG Report apparently opts to leave this claim to the reader's imagination, suggesting that fraud may have been the result, rather than endorsing any theory.[193] Particularly given the presence of video recording (which is the basis of another complaint in this Count), staff personnel, and the possibility of observers who simply chose not to leave or returned, this event hardly establishes even an opportunity for malfeasance. And, of course, the EOG Report does not connect this event, even speculatively, to any actual error or inconsistency.

The Count's second complaint is a confusing and completely unsupported assertion that Ruby Freeman was neither trained nor authorized to operate a scanner.[194] The EOG Report provides no indication how this might be relevant; indeed, though it is showcased at the top of the Count as a central aspect of the problems at State Farm Arena, it is only briefly addressed as "another indicator"[195]—but of what is unclear. In any case, there is no evidence that this allegation is true, much less an indicator of anything.



The Count's final complaint is that a video taken Election Day morning shows four mail carts containing absentee ballots; the carts do not appear to be sealed.[196] Even assuming that the carts contain absentee ballots (likely in their ballot envelopes), this does not suggest fraud or malfeasance. First, as the EOG Report concedes, this is the beginning of the first video captured for Election Day.[197] There is no indication that these carts are anything other than what they appear to be—a batch of legitimate absentee ballots, in postal carts, delivered for processing. There is no indication at all that these ballots are of questionable provenance or that Fulton County officials did not know where these ballots came from, despite that provenance being "unknown" to the authors of the EOG Report. Moreover, the photograph reveals no one in the room, and the door to the room is closed; the EOG Report provides no reason to conclude that this video was not taken from a secure location. And there is another strong indicator of the weakness of this complaint: The complaint relies heavily on notes from Seven Hills Strategy consultant Carter Jones.[198] But Carter Jones ultimately concluded that "Fulton's document retention processes at State Farm were adequate for protecting ballots from tampering."[199]

Notably, the EOG Report invokes as support for this Count the inaccurate assertion that Fulton County did not conduct signature verification—further undermining its relevance and probative value. Finally, as discussed, even if the ballots in these carts were of questionable provenance, injection of absentee ballots into the election at this scale is implausible.

This Count closes with an unexplained graph purportedly reflecting the number of absentee ballots counted per day. The relevance of this image is left to the reader's imagination.

COUNT 13

Count 13 asserts that Fulton County performed no reconciliation of the number of votes cast and the number of voters "checked-in" as having voted.[200] This is simply false. Fulton County's reconciliation data is publicly available.[201]

And there is simply no evidence that Fulton County did not do what the EOG Report says they should have done. The only evidence the EOG Report cites as establishing that no reconciliation occurred is an email between two Dominion employees asking if the state and county had

"reconcile[d] the VR system total votes cast with the tabulation system total votes cast."[202] The email does not even identify Fulton County as one of the counties that might not have done this—instead, it points to Chandler, Cobb, and Gwinnett.[203]

The EOG Report cites additional but irrelevant evidence: It includes a statement regarding discrepancies that were caught during the risk-limiting audit, which are irrelevant to whether reconciliation was performed.[204] It also includes an assertion that uncounted ballots were found during post-election audits in other counties, but this assertion sheds no light on what happened in Fulton County.[205]

The Count finally includes an assertion that is either incomplete or incomprehensible: That the purported failure to perform a reconciliation in Fulton County "is because counties do not have access to the poll-pad check-in lists in real time (numbered list of voters), which are under the sole control of the Secretary of State."[206] This unexplained assertion is especially confusing because, later, the EOG Report appears to (incorrectly) assert that only a paper list reflecting the order in which voters appeared to vote qualifies as a permissible "numbered list of voters" under state law.[207] Either way, Fulton County did in fact have access to both the poll pad data and the voter registration system that tracked the voters who voted, and it produced a reconciliation showing no reason to doubt the outcome of the election.[208]

COUNT 14

As with multiple previous Counts, this Count appears to be incomplete. The cited statutory language cuts off abruptly ("or makes or uses any false writing or document, knowing the same t [sic]").[209] The alleged wrongdoing is that in the 2022 general election, not 2020, "officials in Spalding County discovered a ballot printed on looseleaf paper that had been successfully cast and counted."[210] The EOG Report offers no citation for the allegation, no explanation as to the discovery of the ballot, and no analysis of why this would be unlawful. There is no explanation for what one alleged misprinted ballot in Spalding County in the 2022 election, not the 2020 election, has to do with a report on "Fulton County 2020 General Election."

For evidence, the EOG Report offers two images, one of which is illegible, and one of which appears to show that Fulton County purchased VoteSecure paper.[211] The EOG Report offers no explanation as to why this is problematic or even wasteful, and they certainly do not say why such a purchase would be unlawful or supports any of its allegations.

The section concludes, "[a]fter further review, it was found that counties had been purchasing VoteSecure IR paper from Dominion for each election. For example:"[212] But that is it. That is the end.

The EOG Report claims that its Counts go to widespread problems or illegal acts by Fulton County in the administration of the November 2020 election. But Count 14 only offers an allegation that Spalding County printed one ballot on the wrong paper.

COUNT 15

Count 15 asserts that Pro V&V's post-election forensic audit was a "ruse," if, "it was performed at all."[213] This count arises from one of the many steps the Georgia Secretary of State took to assure the public that there was no reason to doubt the outcome of the 2020 election. As mentioned previously, Georgia twice recounted the state's nearly five million ballots—once by hand and once by machine. It did that under the observation of multiple third-party observers (Seven Hills Strategies and the Carter Center), observers from both political parties, as well as the thousands of Georgians who participated in conducting the recounts. Both of those recounts affirmed the outcome.

Secretary of State Raffensperger also commissioned Pro V&V to do "an audit of a random sample of [election] machines to confirm no hack or tamper."[214] Pro V&V was, and remains, a U.S. Election Assistance Commission-accredited voting system testing laboratory.[215] As such, Pro V&V is qualified to determine if a tabulation machine or other piece of election equipment has been altered from its certified state or otherwise lose approval for use in an election. Pro V&V is a widely used and widely respected elections technology company.

For its audit, Pro V&V randomly selected equipment from Cobb, Douglas, Floyd, Morgan, Paulding, and Spalding Counties. Pro V&V "found no evidence of the machines being tampered."[216] Further, Pro V&V concluded that:

> All of the software and firmware on the sampled machines was verified to be the software and firmware certified for use by the Office of the Secretary of State. Coupled with the risk-limiting audit of all paper ballots relying solely on the printed text of the ballots, these steps confirm the assessment of the Cybersecurity and Infrastructure Security Agency that there are no signs of cyber attacks or election hacking.[217]

The EOG Report takes issue with the qualifications of Pro V&V, as well as the company's methodology.[218] But the EOG Report does not explain how the Pro V&V audit would constitute a violation of Georgia law. Georgia law did not require this audit. Rather, the Secretary of State initiated this audit as an additional safeguard in his investigation of allegations of machine manipulation—claims that, at the time, were made about the entire state (and entire country), not just Fulton County.

Moreover, the EOG Report purports to be evidence of the errors or wrongdoing of Fulton County. But in this extra audit, Pro V&V did not examine any machines from Fulton County. The EOG Report makes no effort to draw a connection to anything done by Fulton County.



The EOG Report also boldly asserts—but without meaningful evidence—that the audit might not have happened at all.[219] The EOG Report makes this assertion in the face of Pro V&V's report, which appears in official records filed in post-election litigation.[220] While the EOG Report contends that five out of six counties "claimed that they were not aware of an audit being performed by Pro V&V,"[221] the examples of correspondence they point to do no such thing. Instead, the two examples they reproduce are public records responses saying that the counties found no records responsive to requests regarding the audit.[222] While the EOG Report does not reveal the date of either response, one response notes that the request itself was not made until almost two years after the election. The other response notes that the *county* did not have an audit of machines following the 2020 election.[223] But the audit at issue was conducted by the Secretary of State, not the county.

Finally, as has been noted throughout this analysis, Georgia used paper ballots in the November 2020 election, and the paper ballot recounts affirmed the results of the original count.

COUNT 16

The EOG Report claims that Fulton County falsified records in the post-election audit—including supposedly adding roughly 6,700 "fictitious absentee ballots and votes for the presidential contest."[224] Yet, despite claiming that there is proof these "fictitious ballots" were intentionally added to the vote count, the EOG Report fails to provide any evidence of fraud or intentional behavior. Further, the EOG Report fails to explain, even on a basic level, what facet of a conspiracy to steal the election would be advanced by adding ballots to the hand count audit. As evidence of fraud, the EOG Report cites batch tally sheets that reflected inaccurate results.[225] But it offers no rationale explaining why ballots would be added or misrepresented in a risk-limiting audit, given that the ballots were going to be recounted after the audit, or how adding ballots in a risk-limiting audit could change the outcome of the election, given that a risk-limiting audit is performed for comparison and validation purposes. The EOG Report also fails to recognize the limitations of humans and that mistakes get made when hand counting ballots.

Risk-limiting audits are intended to confirm a winner. A risk-limiting audit is a method to ensure that at the end of the canvass, "the hardware, software, and procedures used to tally votes . . . found the real winners. Risk-limiting audits don't guarantee that the electoral outcome is right, but they have a large chance of correcting the outcome if it is wrong."[226] That is what this risk-limiting audit did. But minor errors, like data-entry errors, can occur in a risk-limiting audit.[227] Requiring perfection in a hand audit is a fool's errand. People make mistakes; those mistakes will manifest in the hand count audit. The EOG Report demands perfection but fails to produce evidence that perfection is an achievable objective. As a result, its conclusion that errors must indicate fraud is especially weak.

The EOG Report asserts that the errors in the audit must have been intentional, because the wrong numbers were entered into the batch tally sheets.[228] The EOG Report asserts that because the errors were made at this point in the process, rather than when data was entered into a computer, they cannot have been anything but intentional misrepresentations.[229] But the EOG Report never explains why data-entry errors could not have been made on the batch tally sheets—and, indeed, it is easy to see how human error could occur in the process of recording the tally for a batch of ballots.[230]

Moreover, in Count 16, the EOG Report attempts to extrapolate from their "falsified records" in the Fulton County hand count audit to the election results in Georgia overall.[231] As an initial matter, this does not make much sense. There could have been errors in the hand count of ballots, but the first tabulation and recount were tallied using scanners. The authors of the EOG Report never demonstrate that the ballots they dispute in the hand count have any connection to the original count or in the recount—especially outside of Fulton County.

Setting aside this issue, the EOG Report's extrapolation is based on a fundamental misunderstanding of the basic statistical concepts that underlie a risk-limiting audit. The authors write that "[w]e can use the same mathematical basis as the Risk Limiting Audit by using Fulton County's rate of error—and extrapolate."[232] It is unclear what "mathematical basis" the authors are referring to. It seems likely that the EOG Report is referring to the fact that risk-limiting audits often take random samples of ballots and then extrapolate from those random samples to the population of all ballots. The random sampling is essential to justify this extrapolation. If a sample is taken randomly then, on average, the ballots sampled and analyzed will be the same as the ballots that are not sampled.

But Fulton County ballots are neither a random sample nor representative of ballots from the entire state of Georgia. In fact, there is good reason to expect that Fulton County would have a systematic difference in its election results from other counties. It is well known, for example, that Fulton County tends to have more Democratic support than other Georgia counties.[233]

Because the Fulton County ballots are not representative, there is no "mathematical basis" to extrapolate from an analysis of Fulton County ballots to an overall error rate in the state. As a result, it is simply inaccurate for the EOG Report to conclude that they have evidence that the "error rate is determinative."[234]

COUNT 17



Count 17 also asserts "intentional" tampering with the results of the election in Fulton County, this time supposedly through intentional double-scanning of ballots.[235] As with many of the claims in this Report, this claim has already been investigated and dismissed by the Georgia State Election Board. The authors are simply unhappy with the investigatory findings.

Investigation report SEB2023-025 notes that the Secretary of State "sent three (3) investigators to the Fulton County Elections Office to conduct an independent review of the batches of ballot images identified by Complainants."[236] The investigators found that Fulton County did double-scan some of the paper ballots, but that this resulted not from intentional misconduct, but from human error and poor process design.[237]

The findings of the investigators are consistent with the conclusions of the State Election Board's court-appointed monitor who was present throughout Fulton County's administration of the election, as well as the findings of a team of independent observers.[238] The EOG Report ignores the conclusions in both of those reports. It also ignores the ultimate, and very important, conclusion of the State Election Board's investigation: "These investigative findings do not affect the accuracy of the results of the 2020 General Election in Fulton County, which were confirmed as accurate by both the RLA and the Recount."[239]

Additionally, this claim is yet another instance in which the EOG Report ignores the two post-election recounts of the paper ballots. Even if Fulton County had double scanned a small number of ballots during the original tabulation of the ballots, that error could be identified and corrected during the second machine count and hand count. And even if Fulton County made similar errors in the recount, there is no evidence that any such errors put the result in question. In fact, the occurrence of similar mistakes in the original vote count and the recount supports the proposition that those mistakes were due to human error, not fraud or conspiracy.

COUNT 18

The EOG Report claims that "Fulton County is missing 17,852 ballot images for the candidate-requested recount of the November 03, 2020, General Election" because Fulton produced "510,073 of the 527,925 cast vote records" in response to requests made in litigation.[240] This claim is removed by years from the 2020 election and is not an allegation of fraud or error in the conduct of the election. Contrary to the EOG Report's misleading contention, ballot images were neither required to be maintained nor public records under Georgia law in 2020, though they are now.[241] There is thus no reason to suspect misconduct of any kind based on this allegation.

Moreover, as noted above, it is unclear how any failure to preserve ballot images could facilitate fraud. Ballot images are one of at least three records of a vote; two others, the cast vote record and the ballot itself, would still exist. At base, as in many other sections of the EOG Report, there is no attempt to connect this allegation to any other that would suggest fraudulent conduct or significant (or in this case, any) error. Instead, this appears to be yet another public records complaint repackaged as a complaint about the election.

COUNT 19

Count 19 alleges that Georgia officials impeded the State Election Board's investigation of several of allegations set out in the EOG Report.[242] As discussed throughout this analysis, the underlying allegations of the EOG Report lack merit, and this Count simply takes issue with certain legal interpretations asserted during the resolution of those complaints. It adds nothing of relevance.

COUNT 20

Count 20 claims that "encryption keys" were left "unprotected and in plain text."[243] Using these keys, the EOG Report claims, is enough to "provide access to all tools and information . . . necessary to manipulate, fabricate, produce, and/or replace election results."[244] The EOG Report goes on to claim that "[a] nefarious actor need only get unsupervised access to a tabulator memory card to potentially exploit these vulnerabilities, or a vendor with inside access could modify the electronic tallies at will, change the running code on these systems, and compromise the integrity and outcome of an election."[245]

The EOG Report fails to provide evidence that any encryption keys were used to manipulate the election results. The EOG Report provides no evidence, nor even speculation, about how an actor would gain access to these files or how they would use the encryption key to modify the election results.

The EOG Report also fails to point to a single actor or group who had access to the keys and could have plausibly manipulated the results.

It is implausible that anyone with the encryption keys could actually change the results of the 2020 presidential election. Manipulation of the tabulation results on a machine would not be difficult to detect where, as in Fulton County, paper ballots are available and two recounts were conducted. The machine tabulation corresponds to a particular scan of the ballots. If there were a new scan of the ballots, as here, then there would be a new tabulation. And, as discussed above, there was a full hand count of the ballots against which the machine results were compared.

COUNT 21

This Count claims that "[b]ased on official data from the Election Assistance Commission ('EAC'), the state of Georgia and Fulton County had amongst the dirtiest voter rolls in the country with more people registered to vote than the eligible population."[246]

By "dirtiest" it appears that the EOG Report is complaining that the number of registered voters in Georgia and in Fulton County exceeded the size of the Citizen Voting Age Population (CVAP). The EOG Report claims that "[t]his is precisely what the National Voter Registration Act ("NVRA") and the Help America Vote Act ("HAVA") sought to prevent."[247]

This is false. The EOG Report misunderstands the process for registration, the requirements for list maintenance from the NVRA and HAVA, and how states generally manage their voter files. We will consider these misunderstandings in order.

It is important to recognize that having many registered voters does not facilitate voter fraud. To vote either early, in person, or on Election Day in Georgia, voters have to show photo identification.[248] To request an absentee ballot, a voter has to provide detailed information about themselves and their signatures are verified.[249] The EOG Report never actually gets specific about how Georgia's alleged "dirty" voter rolls lead to fraud. Instead, it appears to be yet another complaint the authors have about election administration in Georgia—one they do not even bother to relate to allegations of fraud or manipulation in the 2020 election.

Nevertheless, as discussed below, Georgia's voter registration rates are expected, given its lawful (and legally required) procedures for registering voters and list maintenance.

Georgia Uses Automatic Voter Registration. Beginning in 2016, Georgia implemented Automatic Voter Registration (AVR).[250] When voters go to the Department of Driver Services (DDS) in Georgia, eligible voters (confirmed by showing documentary proof of U.S. citizenship and Georgia residency)

are automatically registered to vote and already registered voters have their voter registration updated.[251] AVR enables citizens to register to vote when obtaining identification, or exactly at the moment where they are providing evidence to demonstrate their identity and that they are eligible to vote. Because AVR requires citizens to opt out to not be registered, this will result in more people being registered to vote. AVR has other benefits, including ensuring that when registered voters move and obtain a new address, their information is automatically updated in the voter file.

The NVRA and HAVA Regulate When and How List Maintenance Occurs. While the NVRA and HAVA require states to conduct list maintenance, they also restrict how and when voters can be removed from the voter rolls and mandates specific procedures for removal, which are designed to ensure that eligible individuals are not removed from the rolls based on inaccurate indicators that they have, for example, moved. In Georgia, as elsewhere in the country, voters who have potentially moved or voters who have been inactive for two election cycles are sent notices.[252] If registered voters fail to respond to these notices, they are placed on an "inactive" voter list.[253] Under federal law, only if they fail to vote in two subsequent federal general elections may they be removed from the list of registered voters.[254] This is necessarily a slow process. And given that systematic list maintenance is largely restricted by the NVRA during election years, it is not unusual for voter rolls to grow faster in those years.

Automatic Voter Registration and List Maintenance Regulations Grow Voter Files Particularly in Fast Growing States. Georgia's population grew rapidly from 2010 to 2020, with a 15% increase in its CVAP.[255] At the same time, policies like Automatic Voter Registration ensure that most eligible voters who interact with the DDS will be registered. But if those registered voters move from the state or a county, it will take at least two federal general election cycles to remove them from the voter file, unless the voter confirms they have moved in writing. The number of registered citizens may therefore exceed the CVAP. This is the result of how federal law is designed.[256] Table 2 (right) shows the share of the CVAP that has been registered in Georgia from 2010 to 2020.

Table 2

Percentage of Citizen Voting Age Population (CVAP) Registered

YEAR	% CVAP
2010	78%
2012	80%
2014	88%
2016	95%
2018	97%
2020	102%

Source: U.S. Census Bureau

This is not evidence of nor does it enable fraud. The EOG Report does not explain why this Count would enable fraud, given the safeguards discussed above on ensuring that only eligible individuals are registered to vote and checks against double-voting, among others. Far from explaining a conspiracy that would elude these safeguards, the EOG Report merely complains about the increased registration rate in Georgia and Fulton County resulting from AVR.

COUNT 22

Count 22 asserts that an unknown number of test ballots were included in the recount and that these purported test ballots were intentionally injected into the vote count.[257] The EOG Report also contends that an outcome-determinative number of test ballots could have been included, based on the factually inaccurate assertion that Fulton County lacks a record of the number of voters who voted in the election.[258]

The EOG Report appears to concede that, if Fulton County has a record of the number of voters who voted in the election, any inclusion of test ballots sufficient to cast doubt on the outcome would be identified through reconciliation processes.[259] That is true. What is false is the EOG Report's assertion that Fulton County was unable to or did not conduct such a reconciliation.[260] As a result, there is no reason to doubt the outcome of the election, even if the EOG Report correctly identified test ballots.



But in any case, the allegation that Fulton County counted test ballots appears to be false, as well. First, this claim was investigated by the SEB, which found no evidence of test ballots being included in the ballots counted. "Investigators did not find evidence to substantiate Thorne's allegation that test ballots were 'lost' or that they were mixed in with voted ballots and counted. Investigators also reviewed security video from GWCC for the relevant time period and did not observe the activity that Thorne reported."[261]

And there is no reason to believe that the ballots the EOG Report identifies are test ballots, much less that *all* the ballots it identifies are test ballots. For example, in several cases, the EOG Report contends that a ballot is identifiable as a test ballot because there is only one selection on it.[262] But

voters regularly vote fewer than all contests; some even vote blank ballots, sometimes as a form of protest. Notably, most, if not all, of the identified "test" ballots contain no vote for president, and no vote for most candidates—so the effect those ballots would have on the presidential election is zero.

COUNT 23

Count 23 asserts that Fulton County did not maintain "a record of the voters who checked-in [sic] and cast ballots" during early voting in the 2020 election, and that, as a result, reconciliation was not performed.[263] The EOG Report provides no evidence for this assertion, and it is plainly false.[264] Indeed, monitor Seven Hills noted some issues with the check-in procedures—reflecting that check-ins did, in fact, occur.[265] The EOG Report's real complaint seems to be that the check-in document was not produced in a particular format. But the EOG Report shows no evidence that this had any impact on any process or safeguard for the election, and all the evidence, including multiple audits and investigations, indicates that it did not.

COUNT 24

Count 24 asserts that Fulton County failed to maintain "daily recap" sheets required by Georgia election regulations.[266] They offer no evidence in support of this claim other than the EOG Report's claim that "[a]n exhaustive months-long effort pursuing the recap sheets for advance voting from both Fulton County and the Secretary of State's office yielded not one complete auditable set for any of the thirty-five polling locations."[267]

As with so many other claims in the EOG Report, this appears to be an attempt to recast a public records complaint as reason to doubt the election. The fact that the authors have not received the materials from a long-past election does not mean those materials were never created, much less that there was a violation of law, much less that there is evidence of fraud. And, even if recap sheets were not kept, there is no evidence that this facilitated any error or fraud; to the contrary, as with every other claim, all the relevant evidence suggests that the outcome of the election was sound.

COUNT 25

In Count 25 the EOG Report claims that, "[a]ccording to Fulton County and the State's own records, 148,319 absentee ballots were counted for the 2020 General Election, but only 125,784 voters were recorded as casting a ballot. Therefore, 25,534 more ballots were counted than voters given credit for voting."[268]

Without providing any details about where these numbers came from, the EOG Report is unsparing in what its authors think this disparity means for the result of the 2020 election. They declare that:

> "One person, one vote" is both a foundational election accounting principle and a cornerstone of U.S. civil rights with regard to equal protection. Both are applicable here. First, election accounting is really simple. Every ballot that is cast must be attributed to a registered voter. There are only two metrics: voters and ballots, and they must be equal.[269]

The EOG Report goes on to say that:

> Fulton County's shortfall of 22,534 voters, an amount nearly double the margin of victory (11,779), should have been deemed a palpable error resulting in an investigation. Until it was resolved no votes should have been recorded. Votes without voters are inherently invalid. Invalid votes disenfranchise and dilute validly cast votes.[270]

The EOG Report ends its discussion here, concluding that it has uncovered a disparity in returned absentee ballots so severe that it should have invalidated the election.

These allegations are not supported by this "disparity," however, which has a simple explanation that reveals a profound flaw in the EOG Report's logic and analysis. The EOG Report counts voters through Election Day, but ballots only through Oct. 28, 2020.[271] The 125,784 mail-in ballot figure corresponds to the total number of ballots returned and processed in Fulton County up until Oct. 28, 2020.[272] What the EOG Report has discovered is not a conspiracy to stuff ballots, but instead that ballots were processed (and voters given credit for voting) if returned on Oct. 29, 30, and 31, and Nov. 1, 2, and 3. Georgia law allows for mail-in ballots to be returned up until 7 p.m. on Election Day, so ballots would have legally been returned on all those dates.[273]

To reach this conclusion, we found the data set that the authors of the EOG Report used to reach their conclusion. The actual URL of the data set has changed, but we were able to find the correct data set through a series of Google searches. The data set that led to the 125,784 ballot count claim are found at this link.

We downloaded the data and, like the image in the EOG Report[274], we tabulated the total ballots returned by mail and the total ballots returned by drop box. Specifically, we used the column "Processed Credit for Voting Ballots" and calculated the total number of ballots returned before Oct. 29. We replicate the number of absentee ballots in the EOG Report exactly: 125,784 ballots.

This data set is incomplete. From Oct. 29 to Nov. 3, no ballots are recorded as being "Processed Credit for Voting Ballots." But this cannot be correct. For example, from the same website we found a data set that tabulated the total number of ballots returned at drop boxes. From drop

boxes alone, we find that there were 14,275 ballots returned at drop boxes over this time period and which would have been processed as voting ballots. In short, there is no need to appeal to constitutional principles. Instead, the authors merely needed to perform simple data analysis.

COUNT 26

Count 26 includes no analysis. It is simply an assertion, without evidence, that "[t]he ballots counted for the Original November 3, 2020 Election, should match almost perfectly with the ballots counted for the Recount as the same paper ballots are being scanned and counted by the same machines; however, thousands of ballots are unique to each, which is not possible by natural means or mistake."[275] Because the Count includes no analysis or evidence, or even clarity on what "unique to both" could mean, it provides no basis to question the results of the election or suspect fraud.

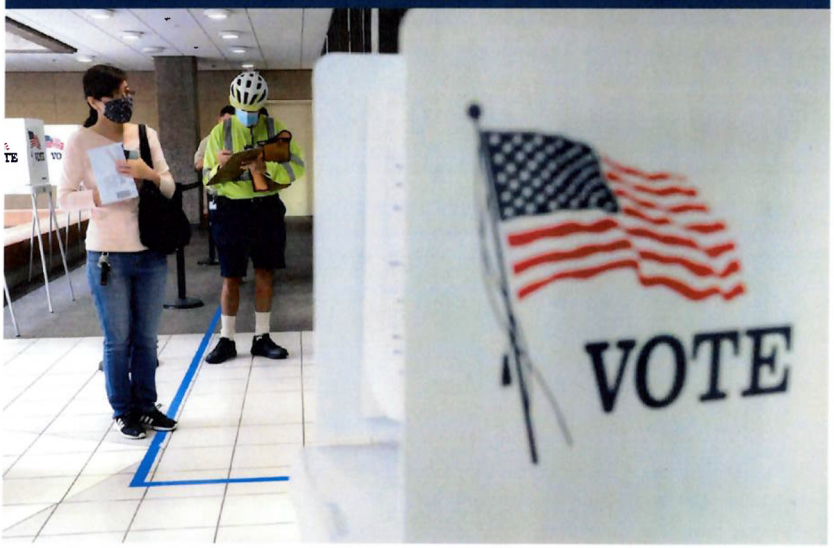
"Pristine Ballots"



The affidavit in support of the FBI's raid on the Fulton County election hub repeats the claim that Fulton County counted "pristine" (i.e., uncreased, and thus purportedly suspect) absentee ballots.[276] In a previous incarnation of this allegation, Georgia investigators interviewed the complainants, inspected the specific boxes and batches they identified, and examined roughly 1,000 absentee ballots and ballot images.[277] They were unable to find ballots matching the witnesses' descriptions or otherwise substantiate the claim that counterfeit ballots were counted in Fulton County.[278] As discussed above, there are several safeguards against injection of ballots into the election, including a reconciliation of the number of voters and the number of ballots in the election. But neither the claimants involved in previous "pristine ballot" claims nor the authors of the EOG Report have identified a meaningful discrepancy between the number of voters and the number of ballots.

CONCLUSION

As the foregoing analysis demonstrates, the EOG Report suffers from extensive analytical and factual flaws. None of its Counts describe evidence of fraud, malfeasance, or errors that would have affected the outcome of the election. It is deeply concerning that its allegations appear to have served as the core of the affidavit supporting the Fulton County search warrant in January 2026. The EOG Report and surrounding circumstances demonstrate the importance of sound analysis and election administration expertise in evaluating claims of election tampering or error. The 2020 election was free, fair, and secure. This was true in Fulton County and across the country.



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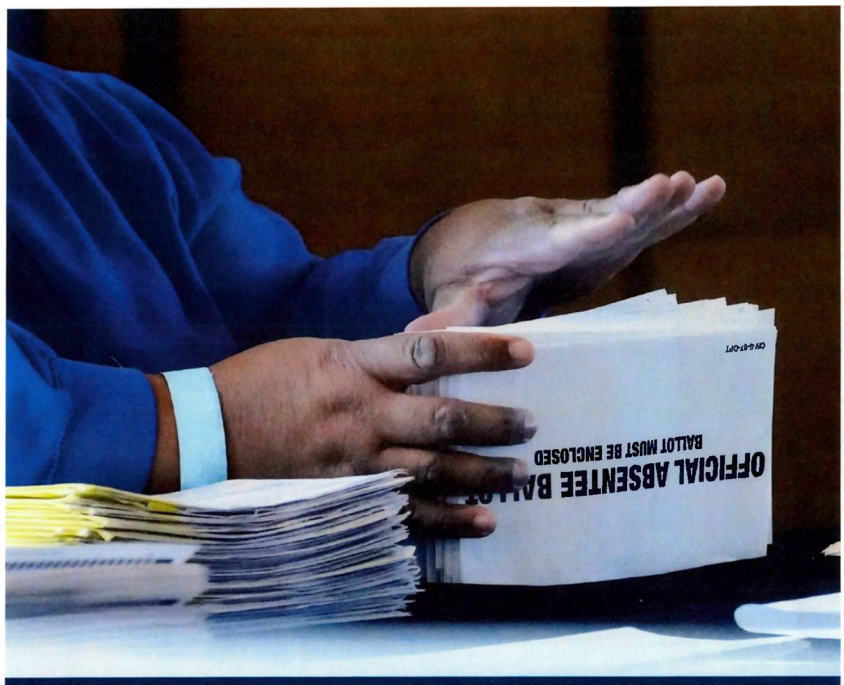
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206. *Id.* at 145.
207. *See id.* at 251.
208. *Statement of Votes Cast, Fulton County, Georgia, General Primary-Nonpartisan General Election* (Fulton County Nov. 3, 2020) (retrieved Nov. 12, 2020) (link); Ga. Sec'y of State, *List of Voters Voted in Nov. 2020* (link); Ga. Sec'y of State, *Recount Ballots Cast by County Compared to ENet Credit* (link).

209. EOG Report at 146.
210. *Id.*
211. *Id.* at 147-48.
212. *Id.* at 147.
213. *Id.* at 149; see Pro V&V, *Field Audit Report: Dominion Voting Systems Democracy Suite (D-Suite) System Version 5.5-A* (Dec. 2, 2020) ("Pro V&V Report").
214. Ga. Sec'y of State, *Secretary Raffensperger Announces Completion of Voting Machine Audit Using Forensic Techniques: No Sign of Foul Play* (Nov. 17, 2020) (link).
215. *Voting System Test Laboratories* (U.S. Election Assistance Comm'n Dec. 23, 2025) (link).
216. Ga. Sec'y of State, *Secretary Raffensperger Announces Completion of Voting Machine Audit Using Forensic Techniques: No Sign of Foul Play* (Nov. 17, 2020) (link).
217. *Id.* (emphasis in original).
218. EOG Report at 150-56.
219. *Id.* at 154.
220. Pro V&V Report; *see, e.g.*, J. Alex Halderman, Security Analysis of Georgia's ImageCast X Ballot Marking Devices 90, *Curling v. Raffensperger*, No. 1:17-cv-02989 (N.D. Ga. June 14, 2023), ECF No. 1681 (appending the Pro V&V Report as an exhibit).
221. EOG Report at 154.
222. *Id.* at 155.
223. *Id.*
224. *Id.* at 157.
225. *Id.* at 158-61, 177-92.
226. Mark Lindeman & Philip B. Stark, *A Gentle Introduction to Risk-Limiting Audits*, 10 IEEE Sec. & Priv. 42, 42 (Sept./Oct. 2012) (link).
227. States United Democracy Ctr. & The Elections Grp., *The Reality of Full Hand Counts: A Guide for Election Officials* (Feb. 5, 2024) (link).
228. EOG Report at 167.
229. *Id.* at 162.
230. States United Democracy Ctr. & The Elections Grp., *The Reality of Full Hand Counts: A Guide for Election Officials* (Feb. 5, 2024) (link).
231. EOG Report at 167-68.
232. *Id.* at 168.
233. Emily Merwin DiRico, *Maps: How Georgia Counties Voted in Past Presidential Elections* (Atl. J.-Const. Nov. 3, 2020) (link).
234. *See* EOG Report at 168.
235. EOG Report at 193.
236. Ga. Sec'y of State, *Report of Investigation SEB2023-025* at 4.
237. *Id.* at 5 ("[Fulton County] had one person assigned per scanner; and that person was responsible for scanning the batches, and after scanning each batch, placing the scanned batch into a box marked completed batches.").
238. SHS Report at 1; Carter Center Report at 33.
239. Ga. Sec'y of State, *Report of Investigation SEB2023-025* at 10.
240. EOG Report at 210-11.
241. *See* S.B. 202, 2021 Ga. Laws 14, § 51 (eff. July 1, 2021) (amending the Georgia Code to require, *inter alia*, preservation of ballot images) (codified at Ga. Code § 50-18-71(k)).
242. EOG Report at 216.
243. *Id.* at 230.
244. *Id.* at 231.
245. *Id.*
246. *Id.* at 236.
247. *Id.* at 238-39.
248. Ga. Code § 21-2-417(a).
249. Ga. Code § 21-2-381(a)(1)(C).
250. Ga. Code § 21-2-221.
251. Ga. Code § 21-2-221(c)(3).
252. 52 U.S.C. § 20507(b); Ga. Code § 21-2-234(a).
253. *Id.*
254. *Id.*
255. Redistricting & Voting Rights Data Office, *Citizen Voting Age Population (CVAP) Special Tabulation from the 2006-2010 American Community Survey 5-Year Estimates* (U.S. Census Bureau Feb. 1, 2012) (link) (CVAP of 6,476,090); Redistricting & Voting Rights Data Office, *Citizen Voting Age Population (CVAP) Special Tabulation from the 2016-2020 American Community Survey 5-Year Estimates* (U.S. Census Bureau Mar. 17, 2022) (link) (CVAP of 7,482,330).
256. *Bellitto v. Snipes*, 935 F.3d 1192, 1200-02 (11th Cir. 2019).
257. EOG Report at 240.
258. *Id.* at 245.
259. *Id.*
260. *Statement of Votes Cast, Fulton County, Georgia, General Primary-Nonpartisan General Election* (Fulton County Nov. 3, 2020) (retrieved Nov. 12, 2020) (link); Ga. Sec'y of State, *List of Voters Voted in Nov. 2020* (link); Ga. Sec'y of State, *Recount Ballots Cast by County Compared to ENet Credit* (link).
261. Ga. Sec'y of State, *Report of Investigation SEB2020-203* at 10.
262. *E.g.*, EOG Report at 242.
263. *Id.* at 251. *But see Statement of Votes Cast, Fulton County, Georgia, General Primary-Nonpartisan General Election* (Fulton County Nov. 3, 2020) (retrieved Nov. 12, 2020) (link); Ga. Sec'y of State, *List of Voters Voted in Nov. 2020* (link); Ga. Sec'y of State, *Recount Ballots Cast by County Compared to ENet Credit* (link).
264. *Cf. Statement of Votes Cast, Fulton County, Georgia, General Primary-Nonpartisan General Election* (Fulton County Nov. 3, 2020) (retrieved Nov. 12, 2020) (link).
265. *See, e.g.*, SHS Report at 9.
266. EOG Report at 254.
267. *Id.* at 257.
268. *Id.* at 258.
269. *Id.* at 259.
270. *Id.*
271. *Id.* at 260.
272. *See id.*
273. Ga. Code § 21-2-386(a)(1)(F).
274. EOG Report at 260.
275. EOG Report at 261.
276. Fulton County Affidavit at 12-15 ¶¶ 52-75.
277. Ga. Sec'y of State, *Report of Investigation SEB2020-203* at 11-16.
278. *Id.* at 16.



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"State Citizenship Lists" in Trump's March 31, 2026 Elections Executive Order

On March 31, 2026, the Trump administration issued the Ensuring Citizenship Verification and Integrity in Federal Elections Executive Order. This white paper dissects the portion of the order that requires the federal government to create and send a "state citizenship list" to each state and discusses implementation concerns, as well as practical challenges for such a federal list, even under the best conditions.

April 6, 2026

As part of the Trump administration's March 31, 2026 "Ensuring Citizenship Verification and Integrity in Federal Elections" Executive Order (EO), the federal government is required to create and send a "state citizenship list" to each state.[1] To create the "state citizenship list," the order requires the U.S. Department of Homeland Security (DHS) through the U.S. Citizenship and Immigration Services (USCIS) and the U.S Social Security Administration (SSA) to work together to compile before each federal election a list of individuals in each state who:

1. Are confirmed to be U.S. citizens;
2. Are 18 or older at the time of the upcoming federal election; and
3. Maintain a residence.

The U.S. Department of Homeland Security (DHS) would then transmit the "state citizenship list" to the chief election official of each state.

The order requires DHS to assemble the "state citizenship list" no fewer than 60 days before regularly scheduled or special federal elections. The list is supposed to be assembled from

federal citizenship and naturalization records, SSA records, data from the DHS Systematic Alien Verification for Entitlements (SAVE) system, and "other relevant" federal databases.

The order also states that DHS will establish a process to allow people to access their individual records and update or correct their records in advance of elections, and will enable states to routinely supplement and provide suggested modifications or amendments to the list that is transmitted.

The process outlined in the executive order raises several implementation questions and presents practical challenges, even under the best conditions.

Federally-created "state citizenship lists" raise several practical considerations, particularly in three areas:

1. Many U.S. citizens are not included in federal databases.
2. The federal government cannot determine what state a U.S. citizen lives in at the time of an election.
3. Federal agencies do not have enough lead time to develop and implement a process for millions of individuals to prove their U.S. citizenship before the 2026 federal elections.

Many U.S. citizens are not included in federal databases.

- **Initially, SAVE was not built to verify citizenship status.** While a significant overhaul was initiated in May 2025,[2] that overhaul remains a work in progress. SAVE's queries rely upon significantly incomplete and occasionally unreliable data. Evidence from multiple states' use of SAVE in the last four months demonstrate failure to verify U.S. citizenship for a meaningful portion of registered voters – including those whose citizenship should have been known by SAVE, and where a lack of verification confirms SAVE's ongoing data gaps.[3]
- **SAVE can confirm that some people are U.S. citizens, but cannot definitively confirm that anyone is NOT a U.S. citizen.**
- **The federally-generated "state citizenship lists" will be incomplete due to gaps in U.S. citizenship records.** SSA records are unable to substantiate U.S. citizenship for many people, including: people who were born outside of hospitals; people born outside the U.S. to U.S. citizens (such as children of the military); people who have changed their names due to marriage or other reasons; and people who became citizens after completing the naturalization process. In addition, SSA only began adding U.S. citizenship tags about 40 years ago, so the agency's data on natural-born citizens is incomplete and may leave out elderly citizens.

The federal government cannot determine what state a U.S. citizen lives in at the time of an election.

- **Millions of people in the U.S. move to a different state every year.** In 2024 alone, more than seven million people moved to their current residence from a different state.[4] For example, in 2024, about 64,000 people in the U.S. moved to Florida and more than 85,000 people moved to Texas. The same year, California lost 239,000 and New York lost about 120,000 residents.[5] Each state list will be both underinclusive and overinclusive by thousands of people and require states to do their own work to verify U.S. citizenship for people residing in the state.

- **The federal data identifying an individual's state residency is spotty and stale.** The order provides no information on where or how the federal government will obtain data on an individual's residency. Setting aside federal data sharing questions, even if DHS were able to utilize addresses from the IRS's federal income tax filings, which may be the most complete, the data will be several months old, and many voters with low incomes are not required to file income tax. Federal Medicaid data only includes addresses for those actually enrolled.

- **States define "residency" differently for voting purposes.** While federal law ensures that no state can require a voter to have lived there for more than 30 days prior to federal elections, states can set lesser deadlines beyond that time for who they consider a "resident" for voting purposes.

Federal agencies do not have enough lead time to develop and implement a process for millions of individuals to prove their U.S. citizenship.

- **There is no time or precedent for federal agencies to establish a federal "cure process" for millions of individuals to prove their U.S. citizenship.** There is no existing process for millions of individuals to engage with a new data system on curing their U.S. citizenship status at this scale. This program would potentially require individuals to upload proof-of-citizenship documents, requiring data security and user interface resources.

- **A large number of eligible U.S. citizen voters may need to engage in a cure process.** A meaningful portion of SAVE inquiries today require manual verification.[6] For example, many U.S. citizens, such as married women who change their names,[7] will not be verifiable in government databases and will need to go through a process of gathering documentation and submitting supporting documentation to prove their U.S. citizenship.

Similarly, millions more eligible citizens may need to correct their residency information if they are erroneously left off of a particular state's list.

- **This may be redundant to state procedures, creating administrative burdens for voters.** States already have a cure process for determining eligibility for multiple programs and benefits like Medicaid. If an individual's U.S. citizenship or eligible immigration status is not verified electronically by state or federal data sources, states already know how to provide documentary proof to "cure errors." States have detailed rules in place that indicate which type of documents can be used as proof and systems for uploading them or providing them in person. But there is no clear process for citizenship verification for Medicaid or other benefits at the state-level to transfer to the federal list.

1. The EO notes that the state citizenship list alone is not an indication of voter registration. People must still follow federal and state procedures to register to vote. The order is unclear on what states would actually do with this "state citizenship list" provided by DHS.

2. See also, Institute for Responsive Government, An Updated Federal System to Verify Voter Citizenship May 23, 2025, https://responsivegov.org/research/uscis-save-system-overhaul/.

3. See VoteBeat, "Hundreds of Texas voters flagged as potential noncitizens may have already proven their citizenship." December 2, 2025. https://www.votebeat.org/texas/2025/12/02/travis-county-officials-investigate-potential-noncitizens-dps-save-proof-of-citizenship/, and ABC 17 News, "Local election authorities say a verification tool used in Missouri flagged citizens for removal from voter rolls." February 13, 2026. https://abc17news.com/news/abc-17-news-investigates/2026/02/13/local-election-authorities-say-a-verification-tool-used-in-missouri-elections-flagged-citizens-for-removal-from-rolls/

4. U.S. Census Bureau, State To State Migration Flows, 2024, https://www.census.gov/data/tables/time-series/demo/geographic-mobility/state-to-state-migration.html

5. Ibid.

6. U.S. Government Accountability Office, "Immigration Status Verification Benefits: Actions Needed to Improve Effectiveness and Oversight." Table 1, March 2017, https://www.gao.gov/assets/gao-17-204.pdf.

7. Institute for Responsive Government, The SAVE Act, How a Proof of Citizenship Requirement will Impact Elections, January 30, 2025, https://responsivegov.org/research/the-save-act-how-a-proof-of-citizenship-requirement-would-impact-elections/.

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Chairman STEIL. The gentleman yields back.

I now recognize the gentlewoman from Florida, the former Secretary of State of the State of Florida, Representative Lee.

Ms. LEE. Thank you, Mr. Chairman, and thank you to Secretary Schwab and Secretary Simon for being here today.

As a former Secretary of State, I had the privilege of serving with both of today's witnesses as my colleagues, and we are very grateful to you both for bringing your expertise to our Committee hearing today.

I have also seen firsthand how critical it is to maintain the accuracy of voter rolls and how much that process relies on good and up-to-date information. Today's discussion is particularly important because it helps us understand what more we can be doing to keep pace with modern capabilities, modern technology, and how we can be supporting our State and local election officials in their efforts to keep accurate, current voter rolls.

I would like to start by going back to you, Secretary Schwab. You mentioned a number of different data sources that you are using related to voter list maintenance. You discussed the SAVE database, you discussed the Social Security death information. You also noted that some of those are now accessible to you at no cost.

My first question to you is this: Is it accurate that, previous to this administration, some of those services actually were only available to States if there was a fee associated with them?

Secretary SCHWAB. Yes, that is my understanding. There was a fee charge before. The program ceased, I believe, during President—then-President Barack Obama's second term, and that was the end of the SAVE program till just last fall.

Ms. LEE. Are those tools an assistance to you? Are they helping you in drawing down data to work on your list maintenance?

Secretary SCHWAB. Absolutely. Absolutely. The more—the more datasets you can compare with, the better the system works.

Ms. LEE. Now, one thing that I am interested in is actually something that the Ranking Member Morelle touched on, and that is the notion of Federal grants and Federal support at the State and local level. Are there particular things that, in your view, we could be doing to assist with the voter list maintenance process, whether that is data or technology? Are there things that Congress could be doing more to support you?

Secretary SCHWAB. There is a couple things. One—and this is where I will disagree with the ranking minority leader—I always come from the school of thought that elections are best run locally and funded locally. I get in trouble when I accept HAVA funds, but I am expected to accept them, but then there is a match, but my legislature is not in session, so now I am spending money without legislative approval on the match. This last session they did not approve the match. We are trying to, hopefully, not have to send the money back to the Federal Government because of the match. I would rather just, because of the strings attached, just do not give me anymore money. If we need more money, we can handle it locally.

Some other things like, in the NVRA there is a 90-day shutout period. It would be nice if that was a little bit shorter and also if there were some exemptions. If we have a confirmed death, then

I would like to be able to pull that person off the voter rolls at that time and not have to wait till after the election to do that.

There is other things that we would—you know, simple things. Just make it narrow. Do not—there is this image that, by some folks, that think I am just at the—a computer at my desk and I can delete voter registrations. I cannot. It starts at the county level.

I appreciate the ranking minority's comments on local election officials, because they are the ones who do it. These are the people that you go to church with, your kids play sports with each other, and they are making sure that everything is done fairly.

Ms. LEE. Now, you just touched on something that I think is very important that I want to be sure we highlight, and it is this: Because of the existing blackout periods, even if you have a verified death of a voter in your community that is on your voter rolls, it is correct to say that there is this time period where you cannot remove them from the rolls regardless of the fact that you have verified that information, correct?

Secretary SCHWAB. Yes. That is 90 days of list maintenance that is just lost.

Ms. LEE. Would it be helpful to you if that time period was shortened or changed or eliminated? What do you think would be the best approach to that blackout concept?

Secretary SCHWAB. I would like—I am sorry, I did not mean to interrupt you, Representative.

I would like it shortened, and then certain exemptions, like death. If we have a confirmed death—for example, God forbid, I was assassinated within the 90-day—it would be very public, it would be known, but yet it is against Federal law to remove me from the voter rolls. I think it should be OK to remove me in that situation or anybody else that you have a confirmed death. Again, it has got to be confirmed. It cannot be just by rumor.

Ms. LEE. Thank you, Secretary.

Mr. Chairman, I yield back.

Chairman STEIL. The gentlewoman yields back.

Representative Sewell is recognized for 5 minutes.

Ms. SEWELL. Thank you, Mr. Chairman.

Secretary Schwab, I want to discuss voting by mail. I consider voting by mail a safe and accessible way to vote. In fact, 48 million Americans or about one in three voters used vote by mail in the 2024 election.

Now, mail voting is under attack both by the President—who himself votes by mail, I may add—and by administrative issues in the Postal Service that we can all agree must be addressed.

Mr. Secretary, you shared your concerns about delivery services, time and postmarking issues, with—in a letter that you sent to then-Postmaster General DeJoy. I think that was in September 2024. In this letter, you wrote, quote, "The Postal Service failure to deliver as promised has disenfranchised approximately 1,000 voters in Kansas," correct?

Secretary SCHWAB. Uh-huh.

Ms. SEWELL. You also describe that disenfranchisement as, quote, "a failure to provide service that enables Kansans to exercise their constitutional right to vote," correct?

Secretary SCHWAB.

[Nonverbal response.]

Ms. SEWELL. Mr. Chairman, I would like unanimous consent to enter into the record Secretary Schwab's letter to then-Postmaster General DeJoy.

Chairman STEIL. Without objection.

[The letter referred to follows:]

SCOTT SCHWAB
Secretary of State

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STATE OF KANSAS

September 9, 2024

Mr. Louis DeJoy
Postmaster General
United States Postal Service
475 L'Enfant Plaza SW
Washington, DC 20260–0010

Dear Postmaster DeJoy,

During the recent primary election in Kansas, voters had the opportunity to exercise their constitutional right to cast a ballot. Over 18 percent chose to do so by mail. Kansas law requires that an advance mail ballot must be postmarked no later than 7 p.m. on Election Day and received within three days of the election for the ballot to be counted.

I am extremely concerned there is a troubling pattern that persists in the U.S. Postal Service's (USPS) processing and handling of ballots. Many are either missing postmarks or failing to reach the county election office on time, even when voters have mailed them timely.

Multiple county election officials have notified my office that ballots were received from the local post office days, if not weeks, after they were placed in the custody of the USPS under the assumption that they would be received and counted by county election officials.

In fact, some ballots were delivered to the county election offices lacking proper postmarks. A post-election survey of Kansas's 105 counties revealed that nearly 1,000 ballots were received – and are continuing to be received – in approximately half of the counties without a postmark or after the three-day grace period, making those ballots ineligible to be counted, despite being mailed before election day. A ballot without a postmark cannot be counted during the three-day grace period.

The Postal Service's failure to deliver as promised has disenfranchised at approximately 1,000 voters in Kansas. That means that 2 percent of ballots transmitted by mail in Kansas were not counted due to USPS administrative failures.

As election officials and voters prepare for the November General Election, it is unacceptable that voters, who follow the rules for requesting, voting, and returning their mail ballot, are disenfranchised by the USPS because ballots that were properly and timely mailed were delivered without a postmark or not at all. The Postal Service has failed to live up to its own commitment, posted on the USPS website, which states: "We provide a secure, efficient and effective way for citizens to participate when policymakers decide to use mail as part of their elections. The Postal Service has a robust and tested process for proper handling and timely delivery of Election Mail." Failing to postmark an election ballot is neither secure, efficient, or effective and does not allow voters who use a mail ballot to participate in their elections.

Further, the USPS website states: "The Postal Service's policy is to postmark all ballots mailed by voters, whether they are prepaid by election officials or mailed with a stamp affixed by the voter." Clearly, the Postal Service's policy has not been followed in Kansas. In the August 6, 2024, Primary Election in Kansas, local post office clerks were purposely prohibited by a directive from USPS from assisting election officials and informed election offices they were unable to affix a postmark at a local post office even if the envelope was clearly shown to have been in USPS custody and delivered to the election office within the statutory deadlines.

In fact, in a July 30, 2024, audit report, the Office of the Inspector General, US Postal Service, reported: "Regarding postmarking, the audit team witnessed ballots missing a postmark, and as the Postal Service acknowledges, multiple states have laws requiring postmarks. An operational adjustment that allows for postmarking on ballots that erroneously did not receive one could help voters feel more confident that their ballot will receive a postmark." We encourage the USPS to follow through with the corrective action it agreed to take in response to the audit.

On behalf of Kansas voters, I request that you provide an explanation of (1) how USPS will ensure that every ballot is postmarked in the November General Election so voters are not again disenfranchised, and (2) how the USPS will ensure that every ballot that is placed into its custody prior to Election Day will be delivered on time to county election offices for the votes to be counted.

State and county election officials are willing partners in ensuring the right to vote can be exercised by every Kansan. County election officials work closely with the USPS to verify that mail ballot envelope design conforms to USPS requirements. The USPS's proper and timely handling of mail ballots is a key aspect to maintaining trust in our election system by assuring the public that utmost care is taken to preserve the safety and security of their ballot. Kansas has had mail voting in some form since the Civil War, but never has a lack of confidence in the delivery of our ballot been questioned as it has in the 21st Century.

It is unacceptable that your agency has disenfranchised Kansas voters. As the chief election official in Kansas, I urge you to provide Kansans a clear explanation for your failure to provide service that enables Kansans to exercise their constitutional right to vote, and to articulate what action USPS will take to ensure that every ballot entrusted to the USPS for the November election is properly postmarked and delivered on time.

Your prompt response to this time-sensitive matter is appreciated.

Sincerely,

Scott Schwab

Scott Schwab
Kansas Secretary of State

cc:
Senator Jerry Moran
Senator Roger Marshall
Representative Ron Estes
Representative Jake LaTurner
Representative Tracey Mann
Representative Sharice Davids

Ms. SEWELL. Secretary Schwab, do you agree that voting by mail is a critical tool that eligible voters and that people, just like the President, should be able to cast their ballots by mail?

Secretary SCHWAB. I do, with a caveat. By the way, Representative, we have met.

Ms. SEWELL. Have we?

Secretary SCHWAB. In your home district.

Ms. SEWELL. Oh, right.

Secretary SCHWAB. Then-Secretary Merrill did a joint venture——

Ms. SEWELL. Oh, yes. Absolutely.

Secretary SCHWAB [continuing]. and we have met. Thank you for taking the time with us.

Ms. SEWELL. Secretary Merrill was then the secretary of——

Secretary SCHWAB. Alabama.

Ms. SEWELL [continuing]. State for the State of Alabama. Yes.

Secretary SCHWAB. Thank you so much for taking the time with us. It was an impactful trip, to say the least.

Ms. SEWELL. Absolutely. Now, tell me about vote by mail. Do you——

Secretary SCHWAB. Vote by mail. I stand by my comments. We have ballots from the 2020 election show up at county election offices 3 years later, which is why I always——

Ms. SEWELL. Well, I mean, I think that you were—you were concise, which is why I put in your letter into the record. I get it, and I do believe that it is a critical tool. It needs a lot of work with the Postmaster General to get there on time, and I will admit that.

Secretary Schwab, in 2011, when you were in Kansas State Legislature, you supported a bill that required documentary proof of citizenship to vote. That law blocked the registration of more than 31,000 U.S. citizens who were eligible to vote, and the law was eventually blocked in the court.

When asked by the Associated Press in 2024 about a similar provision contained in the SAVE Act, you said, quote, "Kansas did that 10 years ago, and it did not work out so well," end quote.

Mr. Secretary, do you still stand by those words, that requiring documentary proof of citizenship to register to vote does not really work that well?

Secretary SCHWAB. Well, it did not work. It was because back then we were supposed to have REAL ID, but the Brownback administration stalled it. That would have made the process simpler, because then no illegal immigrant would get a driver's license or a REAL ID. That was stalled, and that is what created the problems with registrants you talked of.

Ms. SEWELL. Well, I have to say that I believe that restrictions proposed in the so-called SAVE Act are just as dangerous, and I think that it lends itself to the same kind of processing that may eventually stop people who are legitimately American citizens from voting.

My next question actually goes to you, Secretary Simon. As a chief—as the chief election officer of your State, is it your opinion that this executive order is an unconstitutional violation of State authority? In particular I am talking about the President's executive order that attempts to interfere with States and the Postal

Service from delivering mail ballots. I know that Minnesota, along with 23 other States, is suing to block this order. Can you talk a little bit about that?

Secretary SIMON. Yes. I agree with that statement. This is similar to the executive order last year. Putting on the shelf just for a minute the merits, whether you think it is a good idea or bad idea, we are persuaded, as are other States, that it is just not constitutional. The President may want to do these things. The proper way to do it is through an Act of Congress, not through executive order.

Ms. SEWELL. Can you describe briefly the impact that both the SAVE Act—SAVE America Act and the executive order would have if they were to go into effect?

Secretary SIMON. Yes. I would just say based on—I will concentrate a little bit on vote by mail since that is your chief interest.

Ms. SEWELL. Yes.

Secretary SIMON. You know, I am concerned with the executive order on the merits that it is putting the Postal Service in a position that I do not think it has ever been in, which is being the eligibility cops when it comes to elections. I do not know how they would stand up that sort of infrastructure. I just do not know how that would go down. I am not an expert on the Postal Service. That is a real concern.

The SAVE Act, likewise, would make voting by mail very difficult in the sense of providing the proper proofs.

Ms. SEWELL. Thank you, sir.

Mr. Chairman, I would like unanimous consent to enter into the record an article entitled, "Kansas once required voters to prove citizenship. That just did not work so well," end quote.

Chairman STEIL. Without objection.

[The AP News article referred to follows:]





POLITICS

Kansas once required voters to prove citizenship. That didn't work out so well



1 of 7 | Steven Fish, of Garnett, Kan., stands outside a driver's license office like one in the same strip mall where in 2014 he went to register to vote, Monday, Dec. 9, 2024, in Lawrence, Kan. Fish was unable to register in 2014 because he didn't have an acceptable copy of his birth certificate to comply with a proof-of-citizenship law that was later struck down by the federa Read More



BY JOHN HANNA
Updated 11:44 AM EDT, December 29, 2024

TOPEKA, Kan. (AP) — Republicans made claims about illegal voting by noncitizens a centerpiece of their 2024 campaign messaging and plan to push legislation in the new Congress requiring voters to provide proof of U.S. citizenship. Yet there's one place with a GOP supermajority where linking voting to citizenship appears to be a nonstarter: Kansas.

That's because the state has been there, done that, and all but a few Republicans would prefer not to go there again. Kansas imposed a proof-of-citizenship requirement over a decade ago that grew into one of the biggest political fiascos in the state in recent memory.

The law, passed by the state Legislature in 2011 and implemented two years later, ended up blocking the voter registrations of more than 31,000 U.S. citizens who were otherwise eligible to vote. That was 12% of everyone seeking to register in Kansas for the first time. Federal courts ultimately declared the law an unconstitutional burden on voting rights, and it hasn't been enforced since 2018.

Kansas provides a cautionary tale about how pursuing an election concern that in fact is extremely rare risks disenfranchising a far greater number of people who are legally entitled to vote. The state's top elections

official, Secretary of State Scott Schwab, championed the idea as a legislator and now says states and the federal government shouldn't touch it.

"Kansas did that 10 years ago," said Schwab, a Republican. "It didn't work out so well."

Steven Fish, a 45-year-old warehouse worker in eastern Kansas, said he understands the motivation behind the law. In his thinking, the state was like a store owner who fears getting robbed and installs locks. But in 2014, after the birth of his now 11-year-old son inspired him to be "a little more responsible" and follow politics, he didn't have an acceptable copy of his birth certificate to get registered to vote in Kansas.

"The locks didn't work," said Fish, one of nine Kansas residents who sued the state over the law. "You caught a bunch of people who didn't do anything wrong."

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Kansas' experience appeared to receive little if any attention outside the state as Republicans elsewhere pursued proof-of-citizenship requirements this year.

Arizona enacted a requirement this year, applying it to voting for state and local elections but not for Congress or president. The Republican-led U.S. House passed a proof-of-citizenship requirement in the summer and plans to bring back similar legislation after the GOP won control of the Senate in November.

In Ohio, the Republican secretary of state revised the form that poll workers use for voter eligibility challenges to require those not born in the U.S. to show naturalization papers to cast a regular ballot. A federal judge declined to block the practice days before the election.

Also, sizable majorities of voters in Iowa, Kentucky, Missouri, Oklahoma, South Carolina and the presidential swing states of North Carolina and Wisconsin were inspired to amend their state constitutions' provisions on voting even though the changes were only symbolic. Provisions that previously declared that all U.S. citizens could vote now say that only U.S. citizens can vote — a meaningless distinction with no practical effect on who is eligible.

To be clear, voters already must attest to being U.S. citizens when they register to vote and noncitizens can face fines, prison and deportation if they lie and are caught.

"There is nothing unconstitutional about ensuring that only American citizens can vote in American elections," U.S. Rep. Chip Roy, of Texas, the leading sponsor of the congressional proposal, said in an email statement to The Associated Press.

Why the courts rejected the Kansas citizenship rule

After Kansas residents challenged their state's law, both a federal judge and federal appeals court concluded that it violated a law limiting states to collecting only the minimum information needed to determine whether someone is eligible to vote. That's an issue Congress could resolve.

The courts ruled that with "scant" evidence of an actual problem, Kansas couldn't justify a law that kept hundreds of eligible citizens from registering for every noncitizen who was improperly registered. A federal judge concluded that the state's evidence showed that only 39 noncitizens had registered to vote from 1999 through 2012 — an average of just three a year.

In 2013, then-Kansas Secretary of State Kris Kobach, a Republican who had built a national reputation advocating tough immigration laws, described the possibility of voting by immigrants living in the U.S. illegally as a serious threat. He was elected attorney general in 2022 and still strongly backs the idea, arguing that federal court rulings in the Kansas case "almost certainly got it wrong."

Kobach also said a key issue in the legal challenge — people being unable to fix problems with their registrations within a 90-day window — has probably been solved.

"The technological challenge of how quickly can you verify someone's citizenship is getting easier," Kobach said. "As time goes on, it will get even easier."

Would the Kansas law stand today?

The U.S. Supreme Court refused to hear the Kansas case in 2020. But in August, it split 5-4 in allowing Arizona to continue enforcing its law for voting in state and local elections while a legal challenge goes forward.

Seeing the possibility of a different Supreme Court decision in the future, U.S. Rep.-elect Derek Schmidt says states and Congress should pursue proof-of-citizenship requirements. Schmidt was the Kansas attorney general when his state's law was challenged.

"If the same matter arose now and was litigated, the facts would be different," he said in an interview.

But voting rights advocates dismiss the idea that a legal challenge would turn out differently. Mark Johnson, one of the attorneys who fought the Kansas law, said opponents now have a template for a successful court fight.

"We know the people we can call," Johnson said. "We know that we've got the expert witnesses. We know how to try things like this." He predicted "a flurry — a landslide — of litigation against this."

Born in Illinois but unable to register in Kansas

Initially, the Kansas requirement's impacts seemed to fall most heavily on politically unaffiliated and young voters. As of fall 2013, 57% of the voters blocked from registering were unaffiliated and 40% were under 30.

But Fish was in his mid-30s, and six of the nine residents who sued over the Kansas law were 35 or older. Three even produced citizenship documents and still didn't get registered, according to court documents.

"There wasn't a single one of us that was actually an illegal or had misinterpreted or misrepresented any information or had done anything wrong," Fish said.

He was supposed to produce his birth certificate when he sought to register in 2014 while renewing his Kansas driver's license at an office in a strip mall in Lawrence. A clerk wouldn't accept the copy Fish had of

his birth certificate. He still doesn't know where to find the original, having been born on an Air Force base in Illinois that closed in the 1990s.

Several of the people joining Fish in the lawsuit were veterans, all born in the U.S., and Fish said he was stunned that they could be prevented from registering.

Liz Azore, a senior adviser to the nonpartisan Voting Rights Lab, said millions of Americans haven't traveled outside the U.S. and don't have passports that might act as proof of citizenship, or don't have ready access to their birth certificates.

She and other voting rights advocates are skeptical that there are administrative fixes that will make a proof-of-citizenship law run more smoothly today than it did in Kansas a decade ago.

"It's going to cover a lot of people from all walks of life," Avore said. "It's going to be disenfranchising large swaths of the country."

—

Associated Press writer Julie Carr Smyth in Columbus, Ohio, contributed to this report.



JOHN HANNA
Hanna covers politics and state government in Kansas for The Associated Press. He's worked for the AP in Topeka since 1986.

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Chairman STEIL. The gentlewoman yields back.

The gentleman from Georgia, Representative Loudermilk, is recognized for 5 minutes.

Mr. LOUDERMILK. Thank you, Mr. Chairman, and thank both of you for being here today.

Very important topic because, unlike any other law in our country, election integrity is something that has to be proactive. It does not work if it is reactive, right? Because when you look at, let us say, a general election for Congress, that happens the beginning of November, the presumed winner is going to take office within a matter of days, a couple of months after.

If you find out that someone was ineligible to vote and they voted, you cannot undo it, right? It is something that you must be proactive if you are going to have an election system that has integrity. That is one of the reasons Georgia did what they did in 2021, a very proactive system to ensure the eligibility of the voter prior to them voting.

Secretary Schwab, if a voter is registered to vote in your State but a resident in another State, are they considered an eligible voter?

Secretary SCHWAB. Not necessarily, because we do not have a residency definition. It is very loose.

You could live in another State 80 percent of the time, but you also live in Kansas 10 percent of the time and you are on the register to vote there. That is completely legal.

Mr. LOUDERMILK. I am talking about the residency. They are a citizen of another State, they are a resident. In other words, they are registered to vote in two States.

Secretary SCHWAB. There is not a way for me to do it without ERIC. Again, there is burdens and costs that come with that. There is not a document that says I am a resident here, you are registered to vote there. That does not necessarily mean—that is where these residency rules are just so fluid. What defines a resident is different between each jurisdiction.

Mr. LOUDERMILK. If somebody lives in Kansas, they permanently move, let us say, to Florida, they keep their voter registration in Kansas. You still consider them a registered voter—an eligible voter, I should say?

Secretary SCHWAB. Well, if they are registered in Florida, no. What we do is we do the National Change of Address.

Mr. LOUDERMILK. That is what I am getting to, right.

Secretary SCHWAB. Yes.

Mr. LOUDERMILK. What about in Minnesota? Somebody lives in Minnesota, moves to Florida, they register to vote there. They are still registered to vote.

Do you know that they are still—that they have registered to vote in Florida? Do you have a way of determining this?

Secretary SIMON. Yes, Representative, yes. We would hope so, right? I mean, if they are a member State of ERIC, we absolutely would. Even if they are not, given the databases that we run all this information through, including change of address, there is a good chance we would discover it.

Mr. LOUDERMILK. OK. You guys do your voter roll maintenance. OK. That is one thing that has been a huge issue.

I am concerned a little bit about the vouching process. You mentioned that only eligible voters can register when someone vouches for them. Is there a way of you qualifying their eligibility at that point?

Secretary SIMON. Just to clarify, Representative, are you talking about the person doing the vouching or the person who is vouched for?

Mr. LOUDERMILK. Both. OK. I assume that the person vouching already has to be an eligible registered voter, right?

Secretary SIMON. That is right.

Mr. LOUDERMILK. Do you have a process to ensure that the ones that are voting—they are vouching for are eligible?

Secretary SIMON. Yes, Representative. Yes.

Mr. LOUDERMILK. What is that?

Secretary SIMON. That is all at the local level logged, basically. The person signs an oath, there is a log in place for the person or people that they vouch for, and then after the election, that enables the folks at the county level, at the local level to do that spot-checking to make sure that they are eligible.

Mr. LOUDERMILK. How much time passes between being verified?

Secretary SIMON. You know, days, maybe a couple of weeks. It depends. It depends on the county.

Mr. LOUDERMILK. Are they—the ballot that the voters that were vouched for, are they provisional ballots?

Secretary SIMON. No. Because we are NVRA-exempt, we do not do provisional ballots in Minnesota.

Mr. LOUDERMILK. If you find out that they were not registered voters, their vote still counts?

Secretary SIMON. Theoretically, that would be the case.

Mr. LOUDERMILK. Do you not see that that is a potential problem?

Secretary SIMON. Well, I think it is a balance in that vouching is only for residency. As to the two things you need to show to prove—to register to vote in Minnesota. You are who you say you are and you live where you say you live. It is still on the voter to prove that they are who they say they are through ID, through all sorts of things. There is a long list that we allow. It is only the live where you say you live part.

For example, it might be possible that someone is an eligible voter; they are a citizen, they are 18, all the rest, but they do not live where they say they live. They voted in the wrong place. That is certainly possible.

Vouching only pertains to residency. No one is vouching for someone's citizenship, age, or anything else.

Mr. LOUDERMILK. Even if they may be a felon?

Secretary SIMON. They are not vouching for that either.

Mr. LOUDERMILK. OK. I am out of time. I yield back.

Chairman STEIL. The gentleman yields back.

Representative Torres is recognized for 5 minutes.

Mrs. TORRES. Thank you, Chairman. Congratulations to you and your bride. I too have been married 40 years, so we are happy to give you some inside information as to how to keep the marriage strong.

I want to say thank you to you, Mr. Schwab, thank you also to you, Mr. Simon, for being here today. Most of all, I want to say thank you so much to all of the people that work with you to hold free and fair elections in your States. It is, in the best of times, a thankless job, but these are not the best of times.

This week, ProPublica published a horrifying investigation detailing how President Trump is openly working to, in his words, take over the 2026 midterms with loyalists placed throughout the Government to do it. Those are not my words; those are the President's words.

What does this look like in real life? Trump already fired every election security expert at CISA, the very people whose job it was to protect our elections from foreign interference. At a time of war, instead of focusing on terrorism and defending the homeland, Trump is having our intelligence agencies, the FBI, running around raiding election offices and chasing crazy conspiracy theories about the 2020 election.

Georgia's Fulton County, who the FBI raided, is now unable to verify if Trump's cleanup crew has altered any of the ballots that they stole. The Department of Justice has been demanding States turn over their sensitive voter information for almost a year now.

I just cannot get over what happened in Minnesota. Border Patrol and ICE agents murdered Renee Good, and after killing Alex Pretti on the streets of Minneapolis, former Attorney General Bondi used his death as leverage to gain demand over Minnesota's voter rolls. Thank you for standing tall on that.

The court stopped them, but this administration attempted to use a murder of an American citizen to bully you into handing over voter data.

On March 31, Trump signed an executive order that attempts to bypass the Constitution to nationalize our elections. Trump is ordering the Department of Homeland Security to create Federal-approved voter lists and turning our local post office into partisan hack filters for mail-in ballots.

The hypocrisy in this Committee, the hypocrisy waged in front of us is staggering. The President has already voted by mail twice this year. He knows it is safe. He just does not want you to use your vote in dissent.

My question to both of you is, are you preparing for possible Federal executive overreach? I do not need you to go into detail. Just yes or no.

Secretary SIMON. Yes.

Secretary SCHWAB. I am focused more on making sure our list maintenance is right. I mean——

Mrs. TORRES. It is a reality, though. Federal overreach is a reality. I hope that you will focus some time, on top of everything that you are dealing with, because it is a real threat that the President has already executed an executive order, that this Committee Chairman has been leading also bills to cancel people's votes who do not support their policies.

We need every American to go to the polls and use their voice and vote to decide the next chapter of our country. The American people need both of you, need all of our registered voters, Secretaries of State, we need you in the front lines of this fight.

They need—our voters need to know that when they walk into their polling place, their school gyms, their community centers, their neighbors, their neighborhood library, that their vote will be cast freely, counted honestly, and that no Federal anti-voting extremist decided in advance whether they were allowed to participate. That is the promise of this democracy, and we need you to keep it.

With that, I am going to yield back.

Chairman STEIL. The gentlewoman yields back.

The gentleman from Virginia, Mr. Griffith, is recognized for 5 minutes.

Mr. GRIFFITH. Well, Mr. Chairman, let me just say first off, I have read all the bills that you are sponsoring, and I know that if you read the bills, there is no attempt to invalidate any legitimate votes by American citizens in this country. I have supported those bills because they do not do that.

If they were trying to take away the votes of people who did not agree with my policies, I would be absolutely opposed to that because that is a violation of the principles of a democratically run republic. I appreciate your efforts. Thank you.

Now, moving on, let me just talk about vote by mail for a minute. I have never voted by mail. I will never vote by mail. I think there are all kinds of problems with vote by mail, and I know that I have heard people saying this, that, and the other, but here is the concern I have.

Sometimes you are going to have people who do bad things. Sometimes you have people who may think they are doing the right thing and violate the law. Vote by mail, you cannot figure that out sometimes. I am going to give you the example on vote by mail, and then we will talk about another one.

God rest her soul, my mother lived to be 92. For the last 30, 40 years of her life, she lived with my sister. I trust my sister. My mother had her competency till the day she—well, about 3 days before she passed away, she went comatose. Until—when she was casting a vote, it was her casting it, whether it was in person or otherwise.

In a lot of households, you have an elderly family member, they receive a ballot in the mail, son or daughter or caretaker is very likely, even if they think, well, I know that mom was of this political party or another, they are not supposed to be voting if she is not competent and cannot cast that vote herself.

Yet can either one of you tell me that you are not at least aware that is a possibility with mail-in votes? Mr. Simon?

Secretary SIMON. Representative, anything is possible.

Mr. GRIFFITH. I understand. Mr. Schwab?

Secretary SCHWAB. I would say the way Kansas has signature verification and voter ID ahead of that mail ballot, it really limits that from happening in our States. I think signature verification is key to preventing exactly what you are saying.

Mr. GRIFFITH. Let me just say this. I get what you are saying, but my wife copies my signature every day because I am not there. Now, I have given her a power of attorney so she can do it, and she has my permission. My sister can do an exact replica to this day of my mother's signature.

How are you going to do signature verification? You do not have—she is not—she is not doing pen lifts or any of the things you would normally look for in a fraudulent document. How are you going to verify that?

Secretary SCHWAB. Cheaters are going to cheat. Mistakes are going to happen. I do not know of any way you can a thousand percent——

Mr. GRIFFITH. Our job is to try to keep the cheaters from being able to cheat. In the case of my family member, our job is to make it clear, you are not supposed to be doing that as a favor to mom, and that creates a problem.

Then I have got this other problem. Mr. Simon, it deals with your situation and the gentleman who voted illegally. You said, well, he made some statements that were not accurate because he got a statement that said in it that, you know, you are not supposed to vote unless you are a U.S. citizen.

We are sending these statements out to people, we are having people look at these things—because when you do motor voter and you sign up for a driver's license and you get the application or you do it right there, we have a lot of people coming into this country—God bless them—the ones who are coming in legally still do not necessarily have a full command of the English language.

If you have that document being checked off in the English language, they—I submit to you, they, quite frankly, in many cases may not realize what they have checked or what they have signed. Then they get a voter registration card in the mail, and they are told on—I mean, look, I have run lots of ads—and they are told to go vote.

I think when you do not do citizenship verification, you are causing people to perhaps be inadvertent or accidental felons. As a recovering criminal defense attorney, I hate it when the law sets people up to make felonious mistakes. I think that is what the laws that do not have citizenship checked do. They set it up for people who cannot read or write English well to commit felonies without actually creating the mens rea to do so.

That is why I support a lot of the legislation that is intended to make sure only U.S. citizens get to vote.

With that, Mr. Chairman, I yield back.

Chairman STEIL. The gentleman yields back.

The Representative from Texas, Representative Johnson, is recognized for 5 minutes.

Ms. JOHNSON. Thank you, Mr. Chairman.

Gentlemen, thank you so much for being here.

Secretary Schwab, as a person who was born in Kansas, it is a pleasure to have you here.

I would like to just use my time to address a little bit of a different topic, which is voter notification of poll changes in poll place locations. I would like to highlight for this Committee a situation that happened in Dallas in our recent primary, because I think it is very important that we pay attention to this. I would love to—and I welcome you all to join on my bill, the VOTE Act.

Mr. Chairman, I hope that we can give this—this Committee can give it consideration.

What the bill does is it requires, when poll locations are going to be changed, that voters be notified, that they be notified where to vote. Because what happened in Dallas is we have gone in from precinct-only location to countywide vote centers. We have gone back and forth. The problem is, when I first ran for office in 2018, we were at precinct-only locations on election day. Then we went to vote centers, which has been great. Everybody could vote anywhere in Dallas County. We have been doing that for some time.

Then, right before the primary, we switched for precinct-only locations. What will happen is, if you are a voter, let us say from Grand Prairie, which is a city in Dallas County, you had an election on January 31 where you voted in vote centers. Then our primary started, and then for 2 weeks of the primary, you could vote in a vote center. Then on election day, you could only vote in a precinct and at different times. No notifications were provided to the voters of where to vote.

As a result we had mass chaos. Mass numbers of voters being turned away and unable to vote. These are citizens, these are eligible voters who should have a right to cast their ballot. Over 30,000 voters in Dallas County were turned away to vote from—when they presented to vote because they were not notified of the right vote center.

Then the Secretary of State had a platform for voters, if you check in to vote, to say this is not your location, you go to this location, but none of those were correct. They would send voters to multiple locations to vote, and they still were not able to cast their vote.

We had a field hearing—Ranking Member Morelle came to Dallas this past week, and we had a hearing on this very issue. We heard stories of a woman, for example, was on crutches, and she was told to go to three different polling locations and was ultimately denied her right to vote because she got to the last one after the polls closed at 7 p.m.

To me, that is unacceptable in this country. That is making—this is where eligible voters—we should have a system where they should be able to—if you are going to change the rules and change where people vote, we should tell them where they should be able to go vote. Our bill is very simple and would have clearly addressed this.

You know, the other problem that was happening, because there was so much confusion, the courts got involved and extended the voting hours because there was just all these people in line, and people cast a provisional ballot. Over 2,000 people's ballots were ultimately thrown out, and their ballots did not count. That should be something—should be a paramount concern to this Committee.

When you are an eligible voter and you cast your ballot pursuant to the rules that were provided to you at the time, and then they changed those rules such that your ballot was thrown out, that is unacceptable, and that is alarming to me.

My question to you gentlemen is, do you think it would be helpful for us to have a Federal rule that says, you know what, you as Secretaries of State, you should require notice to the voters of where they should be able to vote?

Secretary SIMON. Representative, I would agree with that in principal. I will just note, in Minnesota, fortunately, we have a law in place that says all polling places must be fixed and determined by December 31 in the prior year. To anyone who today might approach me in Minnesota saying, well, I would really love the polling place in our community be changed, I would say you have missed the deadline. It was last December 31. That is our law.

Secretary SCHWAB. I would say do not make the secretaries do it. It is the county, because they are closest to the people. We have not had that issue. Personally, I get nervous if there is one State with an issue that every State now has a new Federal law. You might want to tie that to the HAVA grants. If they want HAVA money, then you must do X, Y, or Z. Because the States that are already doing it and doing it well, I do not want you to change what we do, putting it on us, and right now it is our counties that do it.

I would just continue to work with election officials to see what works where they are at. I think if it is tied to the HAVA grant that they want, then just say, well, then you are now compelled to do this.

Ms. JOHNSON. Thank you so much. I am out of time.

Chairman STEIL. The gentlewoman yields back.

The Representative from Oklahoma, Representative Bice, is recognized for 5 minutes.

Mrs. BICE. Thank you, Mr. Chairman and Ranking Member. Thank you to the witnesses for being with us this morning.

Let me start by just sharing, I served in the Oklahoma State Senate for 6 years and had the pleasure of overseeing Oklahoma's Election Board. You probably know Mr. Ziriax. I think Oklahoma does elections right for a lot of reasons. We are not a State that takes days or weeks to determine elections. We are actually—typically, that night elections are decided. I feel very confident in the process.

Can you talk a little bit about your mail-in ballot or absentee ballot process in each of your States? I will start, Mr. Schwab, with you.

Secretary SCHWAB. Yes. We have no-excuse mail ballots, but you do have to apply still. When I was—in 2022 when I was up for reelection—and this may sound long, but this is the process—is can you print up your own ballot to be mailed in? No, because you do not know the paper weight, you do not know the bar code or whether there is watermarks. If you put it in a drop box, it ain't going to get counted. Well, what if you found an envelope and could steal a ballot and do it? Well, then it is not in the envelope. Well, now you got to steal the envelopes. Well, now put the envelope in this account. No, because it does not have a voter's name on it. Oh, yes, well, what if I put a voter's name on it? No, it does not count because they never asked for that ballot. OK. Now I get through all those things and finally put it in the drop box, does it count? No, because you did not use your driver's license number. I do not even know my driver's license number.

Those are all the processes we put in to make sure mail ballots are secured. I will say I hate calling them mail ballots because people actually mail them. In most rural communities—I am sure you

experience this in Oklahoma—the county courthouse is right across the street from the post office. Do not put it in the blue box, put it in the red white and blue box, that way it stays in the State.

Mrs. BICE. Got it. Do you require voter identification to come in with your absentee ballot or signature verification?

Secretary SCHWAB. We do signature verification on the ballot, voter ID on the application.

Mrs. BICE. OK. Mr. Simon, your process?

Secretary SIMON. Thank you, Representative. I am glad that Secretary Schwab said what he did about mailing in. Not everyone mails it in. Just because you received it by mail does not mean you have to return it by mail.

Mrs. BICE. Sorry for the incorrect moniker of absentee ballot. I suppose this is more accurate.

Secretary SIMON. In Minnesota, in short, when someone orders the ballot, they do not just order the ballot. They have to provide one or both of a driver's license number and a partial Social Security number. We are increasingly recommending for a lot of reasons that people do both. Then when they get the ballot, after voting, they have to——

Mrs. BICE. Wait, can I ask you—can I pause for a second.

Secretary SIMON. Sure.

Mrs. BICE. You said a driver's license number and a Social Security number. You can obtain a driver's license being a noncitizen. Is that accurate.

Secretary SIMON. True.

Mrs. BICE. OK. Keep going.

Secretary SIMON. Then, once the voter votes the ballot, they have to sign. There is that signature verification piece. We have a witness requirement in Minnesota. Someone who is eligible to vote in Minnesota also has to sign that ballot.

When it goes back—there is really three layers of protection: It is the personal identifying information, it is the signature of the voter, and it is the signature of a witness. We are a little bit unique in that way.

Mrs. BICE. How do you verify the signature of a witness?

Secretary SIMON. Well, it depends on the county, it depends on the signatures on file, and the like. That is used as a backup and that counties are—feel free to pursue, and sometimes they do. It just depends on the circumstance.

Mrs. BICE. Do they have to include additional information on that ballot as to who they are, any sort of verification of the witness?

Secretary SIMON. The signature is the primary means.

Mrs. BICE. There is no other identifying information on that?

Secretary SIMON. No. They do not have to put a Social Security number or a driver's license, no.

Mrs. BICE. Mr. Simon, do you sign your signature the same way today that you did 10 years ago?

Secretary SIMON. I would like to think so. Others are a better judge, but I am not sure. I mean, I hope mostly, yes. I see where you are going with it.

Mrs. BICE. Mine has got——

Secretary SIMON. Signatures can change.

Mrs. BICE. Mine has got significantly worse the longer I have been in Congress.

I think the point being that, in Oklahoma, we actually have—we had an issue in 2020 where the way that our absentee ballot process was laid out was challenged in court. We—the reason that the process exists—and in Oklahoma it is a notary requirement—was because there was fraud in the sixties. We wanted to make sure that that was never an issue. Well, it was challenged in court in 2020 because of COVID, and so we decided that, you know what, if there is a health emergency, a national health emergency and a declaration by the Governor, you can include a photocopy of your valid driver's license—which by the way has your signature on it—as proof of identification for an absentee ballot, which is why I think that this is such an important piece of the process.

I have concerns with signature verification. I know States use it. I really think that voter ID is the way to go. I hope that we would look at opportunities to do that, not only for in-person, but also for absentee ballot.

Mr. Chairman, with that I yield.

Chairman STEIL. The gentlewoman yields back.

The Representative from Ohio, Mr. Carey, is recognized for 5 minutes.

Mr. CAREY. I want to thank the Chairman. I want to thank the Ranking Member.

As we approach this year's State primaries in the upcoming general elections, ensuring the security and integrity of our voting process remains an issue of critical importance, not just to me, but I think everybody on this Committee. This Committee has consistently prioritized election security focusing on the measures such as voter ID requirements and the maintenance that occur for those records.

I am particularly—and particularly, I am an original co-sponsor of H.R. 7300, which directly addresses these concerns. The bill proposes sensible reforms to the Federal elections, including mandatory photo identification, citizenship verification, use of paper ballots, and the regular voter list updates to ensure our eligible voters participate.

In Ohio, which is my home State—and I want to also thank Secretary Frank LaRose—I think you both know him—also want to welcome him back. He was on deployment. They did not say where he was going, nor did they say where he was, but I have seen the pictures on social media, and it is great to have him back in our home State. He has set a strong example in the election integrity efforts, along with States likes Kansas, thanks to leaders such as you, Mr. Schwab.

Ohio elections' administration approach includes both a photo ID requirement, a routine list maintenance to safeguard voter eligibility and election security, which is incredibly similar to the efforts in Kansas.

Secretary Schwab, Kansas enacted ID voter requirements in 2012. I am going to ask you a few questions—and I apologize, I was on the second most important Committee just a few minutes ago, which would be the Ways and Means Committee, and we had RFK

testifying, which is the reason I am eating my wholesome snacks—because that is what it says anyway.

Secretary, as far as you are aware, has the voter ID requirement been a barrier at all to voting?

Secretary SCHWAB. No. The only barrier there was—we had to provide a free ID. We had someone sign an affidavit saying I cannot afford an ID, and the county will issue them. That is how it became a bipartisan bill. Even my current Democrat Governor was a State senator there and supported it.

Mr. CAREY. Let us talk about it. How much would one of these voter IDs cost an individual?

Secretary SCHWAB. It is pretty inexpensive. It does not——

Mr. CAREY. You are——

Secretary SCHWAB. We have never had a county complain that they have had to provide——

Mr. CAREY. The individual does not pay anything?

Secretary SCHWAB. If they sign an affidavit saying they cannot afford it.

Mr. CAREY. They get it free.

Secretary SCHWAB. They get it free.

Mr. CAREY. They do not have to pay anything?

Secretary SCHWAB. Correct. Our ID just says it has to be government-issued, have your name, your picture.

Mr. CAREY. This really seems difficult. All you got to do is sign and say they cannot afford it, and they get a free ID.

Secretary SCHWAB. Correct.

Mr. CAREY. OK. I just want to make sure of that, because there is a lot of confusion on that issue, as I am sure you are well aware.

Have election administrations in Kansas been faced with any burdens implementing the new voter ID requirement? Any problems with it?

Secretary SCHWAB. It just changes what we have been doing since 2011. I like the idea that it is government-issued and it does not have to have an expiration date on it, it has their face and it has their name. By putting more restrictions on it, then that could increase the cost of some of those.

Mr. CAREY. Does it have their signature on it as well.

Secretary SCHWAB. No, does not.

Mr. CAREY. It is just their face.

Secretary SCHWAB. It is just their face. When you go to the—99.9 percent of the time it is a driver's license.

Mr. CAREY. Anecdotally, I mean, would you say that this voter ID requirement has kind of bolstered what is the confidence in the election process?

Secretary SCHWAB. Can I share a story with you?

Mr. CAREY. You have got 1 minute and 17 seconds.

Secretary SCHWAB. OK.

Mr. CAREY. Make it a lot less than that.

Secretary SCHWAB. Right. Again, when I was in committee, when we are doing this—I was the chair of the committee at the time—we had a gentleman come and say, I only vote in Presidential election years, but my sister is running for school board, so I have been asked to vote in the election. After work I went to vote and found out I had already voted. Asked if they ever showed their ID. They

said, no, it is against the law to ask for an ID at the time in Kansas. He said, so I talked to my State representative, and he went back—because our voting records are public—he found out he had been voting in school board elections for 10 years.

That is really what tipped the scale that we had the minority party support voter ID, because it was just—it was too important.

Mr. CAREY. Let me just ask you this—and I am running out of time here—but simply yes or no answer. Should we enact a voter ID requirement for Federal elections?

Secretary SCHWAB. I am going to say yes.

Mr. CAREY. You are going to say yes.

If more States had voter ID laws, would that boost public confidence in our elections? Thirteen seconds, yes or no?

Secretary SCHWAB. I would say it has already for our State. I think most people are concerned about their State than they are not concerned—Kansans are not worried about Minnesota, they are not there. They are worried about Kansas.

Mr. CAREY. I appreciate that.

Mr. Chairman, with that, I yield back.

Chairman STEIL. The gentleman yields back.

The Representative from Illinois, Representative Miller, is recognized for 5 minutes.

Mrs. MILLER. Thank you, Mr. Chairman, for holding this important hearing, and to the witnesses that are here.

Secretary Simon, what steps has Minnesota taken to minimize opportunities for illegal voting by noncitizens?

Secretary SIMON. Thank you, Representative. We are very proud of the process that we have in place for filtering and screening and vetting noncitizens and anyone who is eligible to vote. I think we all share that goal.

As I said in my introductory remarks, this is a perpetual process. This is not something that we just do once a year or even once a month. Depending on the dataset, it is sometimes daily that we are vetting and screening for exactly those kind of things. We are proud of that system, and I think it has withstood the test of time.

Mrs. MILLER. Can you be more specific on what you are doing?

Secretary SIMON. Sure. Well, as I mentioned—I will give you some of the specific databases. We screen every single one of our millions of voters regularly against things likes court records, driver's license records, public safety information, conviction information, and the like. Those are the data——

Mrs. MILLER. OK. Has your office recommended any cases of noncitizen voting to the Minnesota Attorney General or local prosecutors for investigation and prosecution?

Secretary SIMON. Yes.

Mrs. MILLER. How many?

Secretary SIMON. I—we can get you that information. I do not know, but we are bound by law to do that. So—and we do.

Mrs. MILLER. OK. Minnesota's Drivers and Vehicle Services, quote, "does not ask if or track whether a person is undocumented when they apply for a standard license or ID card," which is very similar in my home State of Illinois.

If they do not ask for or verify citizenship status, then how do you know whether or not a noncitizen has cast a ballot?

Secretary SIMON. Well, I would just—to zoom out just a little bit, it is not new in Minnesota, and I gather elsewhere, to provide driver's licenses for noncitizens. That has been going on for a hundred years. My own mother was driving around for decades and was not a citizen——

Mrs. MILLER. When your mom got it, was there anything on that ID that would differentiate her as being a noncitizen.

Secretary SIMON. I do not know. Because it would have been in the sixties, I just do not know.

Mrs. MILLER. Today that driver's license, there is nothing on it that would identify the person as a noncitizen.

Secretary SIMON. That is true.

Mrs. MILLER. It is a moot point, using a driver's license.

Secretary SIMON. Yes. That point, right. There is no distinguishing. That is true.

Mrs. MILLER. Then how do you know whether a noncitizen has cast a ballot using that?

Secretary SIMON. Well, a driver's license in Minnesota, and I gather everywhere else, is not proof of citizenship. It is not a document anyway that someone would use to show citizenship one way or another. As in almost every other State, the person attests that they are a U.S. citizen a couple different times, when they register and when they vote.

Mrs. MILLER. Right, which is why on a Federal level—and President Trump is trying to, you know, give us a database which—during the October 14, 2025, hearing before the Minnesota House of Representatives, Committee on Fraud Prevention and State Agency Oversight Policy, your elections director, Paul Linnell, testified, quote, "There is not a State level or Federal level database to run against for citizenship purposes."

July 28, 2025, the White House invited all State chief election officials to a briefing on a systemic alien verification for entitlements, the SAVE program, which checks against multiple Federal databases for citizenship verification of registered voters. Over a dozen Secretaries of State, Republican and Democrat, attended this briefing hosted by the U.S. Citizenship and Immigration Services, were in attendance. Were you in attendance?

Secretary SIMON. I do not know if that is the one I was or not. I was at a White—I do not know whether it was July. It was hot out, I remember that. I was at—I was at a bipartisan meeting of Secretaries invited by the White House. I cannot recall whether it was that one or it was in May or June or—I cannot recall, but I did attend one, yes.

Mrs. MILLER. Are you accessing this fantastic database?

Secretary SIMON. Representative, we are not. We have come to the judgment that it is not yet ready for use in Minnesota and would require our legislator to change our law.

Mrs. MILLER. OK. That is really too bad, because it would be helpful.

I do want to remind everybody that, under Joe Biden, the border was open. We allowed unvetted people to come over the border—you know, people that would not be eligible to have come over, pour over our border up to possibly 20 million people. Why? Why would

Joe Biden, Mayorkas, and the Democrats have allowed this? It is about votes.

The American people, Republicans and Democrats, support the SAVE America Act. The MEGA Act is a great piece of legislation to ensure that only eligible voters are voting in our elections and that noncitizens are not voting. We need to access—I think it would be extremely helpful and give people confidence to know that you are accessing everything available, including this database that President Trump has made available, to ensure that noncitizens are not voting.

With that, I yield back.

Chairman STEIL. The gentlewoman yields back.

That concludes our questions for the witnesses. I want to thank our witnesses for appearing before us today.

Members of this Committee may have some additional questions. We would please ask that you respond to those questions in writing.

Without objection, each Member will have 5 legislative days to insert additional materials into the record or revise and extend their remarks.

There being no further business, I thank the Members for their participation.

Without objection, the Committee stands adjourned.

[Whereupon, at 11:40 a.m., the Committee was adjourned.]