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Election Subversion: The 2024 Election and Recommendations to Address Vulnerabilities to the Electoral System

I. EXECUTIVE SUMMARY

Following the tumultuous 2020 presidential election, the United States saw partisan attempts to delegitimize the election results and subvert the will of voters across the country. That election cycle revealed serious vulnerabilities in the nation's election infrastructure through which bad faith actors can interfere with post-election administrative processes and attempt to alter outcomes or delay results. This deliberate, partisan interference with post-election administrative processes—such as vote counting, canvassing, and certification—has generally been referred to as “election subversion”¹ or election sabotage.

Election subversion attempts continued in subsequent elections in 2022 and 2024, as bad actors have threatened or attempted to undermine the electoral process through both legal and illegal means. Although the 2024 presidential election concluded without major disruption—Vice President Kamala Harris conceded swiftly to President Donald Trump, and Congress certified the results on January 6, 2025, without objection²—election subversion efforts continued throughout the 2024 election cycle. Partisan groups and officials advanced coordinated strategies to undermine legitimate elections, and some states passed laws or implemented regulations that make it easier for those actors to sabotage future election results. It is evident that this trend will continue into 2026 and beyond. These tactics include:

1. spreading misinformation about widespread voter registration or ballot fraud, fueling conspiracy theories about election security;
2. attempting to purge voter rolls before Election Day to prevent eligible voters from casting ballots or to further anti-democratic narratives and provide a pretext to later challenge election results;
3. invalidating legally cast ballots, including by targeting specific minority groups and/or geographic locations; and
4. refusing to accept election results even after recounts and/or audits are conducted, including by refusing to certify the results or mounting bad-faith legal challenges.

Election subversion tactics, at minimum, interfere with the smooth administration of elections and erode public trust in election outcomes. In the most extreme circumstances, these tactics

¹ See Richard L. Hasen, *Identifying and Minimizing the Risk of Election Subversion and Stolen Elections in the Contemporary United States*, 135 HARV. L. REV. F. 265 (2022).

² Madeleine Greenberg et al., *A Peaceful Transfer: First Election Certification Under Updated Laws Was a Success*, CAMPAIGN LEGAL CTR. (Jan. 7, 2025), <https://campaignlegal.org/update/peaceful-transition-first-election-certification-under-updated-law-was-success>.

can also actively prevent duly elected candidates from taking office or manipulate election systems in advance, such that the results do not accurately reflect the will of voters. Recent changes at the federal level will likely exacerbate these risks. This report offers a review of election subversion activities during the 2024 cycle at the state, federal, and local levels, examines their impacts on democratic participation, and offers policy recommendations to counteract their effects ahead of the 2026 midterms and beyond.

II. ELECTION SUBVERSION TACTICS

In advance of the 2024 election, bad faith assertions of maladministration or fraud were widely employed to preemptively undermine trust in election processes and the perceived legitimacy of the results. Sowing seeds of distrust is the first step in building a narrative that, down the road, can be used to justify baseless actions that have dire consequences for election administrators, voters, and democracy. In 2024, baseless claims of fraud threatened election processes at every step—including attempts to purge voter rolls, invalidate legally cast ballots, and refuse to certify election results.

A. Spreading Misinformation about Widespread Voter Fraud

1. UNSUBSTANTIATED CLAIMS OF VOTER FRAUD

Misinformation about widespread voter fraud proliferated throughout the 2024 election cycle. While isolated incidents of suspected or attempted fraud or human error occur in every election, these incidents, by and large, are quickly identified through established safeguards and addressed by election administrators.³ In the highly charged atmosphere of the 2024 election, however, these isolated incidents provided fodder for bad-faith actors to make unfounded allegations of widespread voter fraud.

Example: Officials in several counties in Pennsylvania identified 2,500 potentially fraudulent voter registration applications ahead of the state's registration deadline.⁴ The applications were identified as suspicious because they “appeared to have the same handwriting and other [incorrect] details, like addresses.”⁵ All the suspicious registration applications were segregated pending further review, which resulted in a small subset of the applications being rejected and referred to law enforcement for

³ See, *Post Election Audits*, NAT'L CONF. OF STATE LEGISLATURES (Jul. 7, 2025), <https://www.ncsl.org/elections-and-campaigns/post-election-audits>. For individual examples from 2024, see e.g., Jesse Paul, *Scheme to Cast Votes on Stolen Mail Ballots Thwarted by Colorado Election Officials*, COLORADO SUN (Oct. 24, 2024), <https://coloradosun.com/2024/10/24/ballots-stolen-colorado-mesa-county/> (describing incident where approximately 12 mail ballots were stolen and filled out by individuals who were not the intended recipients. Nine of the ballots were caught during signature verification and three ballots were processed in Mesa County); Matthew Rink, *Election Group Confident in Erie County Officials After Vendor's Ballot Mailing Mistake*, GO ERIE (Oct. 25, 2024), <https://www.goerie.com/story/news/politics/elections/2024/10/25/mail-in-ballot-erie-county-pa/75821650007/> (describing instance of a printing error that led to duplicate ballots being sent to approximately 300 voters. Voters were contacted to return the duplicate/incorrect ballots); Patricia Mazzei, *Some Palm Beach Ballots Misspelled Tim Walz's Name as "Tom"*, N.Y. TIMES (Sept. 22, 2024), <https://www.nytimes.com/2024/09/22/us/politics/florida-ballots-tim-walz-misspelled.html?smid=tw-share> (indicating a clerical error on ballots was corrected in under 24 hours); Rob Wile (@rjwile), X (Oct. 29, 2024, 11:12 AM), <https://x.com/rjwile/status/1851280886144090315?s=46&t=yjF7AWZq4EGBnxoPwMwgg> (Describing incident in Florida where two sealed ballot boxes fell from an election worker's truck onto the road. Law enforcement confirmed the seals were still intact before returning the boxes to the elections office).

⁴ Tom Lisi, *Lancaster County DA Says Probe Into "Hundreds" of Problem Voter Registration Forms Continues*, LANCASTER ONLINE (Oct. 31, 2024), https://lanasteronline.com/news/local/lanaster-county-da-says-probe-into-hundreds-of-problem-voter-registration-forms-continues/article_bfce41a6-9706-11ef-a302-a70b192dfd4c.html.

⁵ NPR Washington Desk, *Pennsylvania County Halts Hundreds of Potentially Fraudulent Voter Registration Forms*, NPR (Oct. 25, 2024), <https://www.npr.org/2024/10/25/hx-sl-5165382/lanaster-county-voter-registration-fraud>.

further investigation. Nevertheless, then-Candidate Trump posted on Truth Social that Lancaster County caught “2600 [sic] Fake Ballots and Forms, all written by the same person,” despite there being no evidence that fraudulent ballots were part of the inquiry into the suspicious registration applications.⁶

A parallel narrative that non-citizens vote *en masse* in U.S. elections also proliferated despite the fact that incidents of non-citizens attempting to register to vote or cast ballots remain very rare.⁷ It is illegal under federal law for noncitizens to vote in federal elections, and no state law permits noncitizens to vote in statewide elections.⁸ In the limited jurisdictions where noncitizens are allowed to vote in local, municipal, or school board elections, election officials “maintain processes to ensure that a registered noncitizen voter cannot receive a ballot for state or federal races.”⁹ In the rare instances where a noncitizen attempts to register or vote, election officials have list maintenance and verification processes in place to prevent an unlawful ballot from being cast and counted.¹⁰ It is worth noting that the consequences for a noncitizen illegally registering to vote or casting a ballot are steep and include the possibility of jail time and deportation—which is a substantial deterrent considering the crime requires a person to generate a paper record of their illegal activity.¹¹

It is extremely rare that noncitizens attempt—whether by mistake or intentionally—to register to vote or vote, and rarer still that a noncitizen illegally casts a ballot.¹² Moreover, there is simply no evidence that noncitizen voting is influencing election outcomes. A study of 42 election jurisdictions by the Brennan Center for Justice found that “both the number of people referred for prosecution [for voting illegally] and the number of people merely suspected of improper voting are very small.”¹³ Election officials consulted in the study estimated that 30 votes—out of 23.5 million—were referred for further investigation or prosecution based on suspicions that a noncitizen had voted.¹⁴ A Bipartisan Policy Center analysis of “election fraud data” from the Heritage Foundation “found only 77 instances of noncitizen voting between 1999 and 2023.”¹⁵

Still, partisan actors publicly assert that non-citizen voting in elections is a “dire threat...which is the gravest form of foreign election interference.”¹⁶ Again, then-Candidate Trump posted to

6 Mark Scoloro, *Investigations into Voter Registration Forms in Pennsylvania Lead to Wave of Misinformation*, AP NEWS (Oct. 30, 2024), <https://apnews.com/article/pennsylvania-voter-registration-trump-misinformation-03c89d48d09d4e16fcf8d721b2bdf04>.

7 Jude Joffe-Block, *6 Facts About False Noncitizen Voting Claims and the Election*, NPR (Nov. 5, 2024), <https://www.npr.org/2024/10/12/hx-sl-5147789/voting-election-2024-noncitizen-fact-check-trump>.

8 Theresa Cardinal Brown & Theo Menon, *Four Things to Know About Noncitizen Voting*, BIPARTISAN POLICY CTR. (Mar. 13, 2024), <https://bipartisanpolicy.org/article/four-things-to-know-about-noncitizen-voting/>.

9 *Id.* “Maryland cities, for example, maintain separate ballots for municipal elections. This ensures that noncitizens, who may only vote in certain local elections, cannot receive a ballot for state or federal contests.” See also Kathleen Bush-Joseph, *Explainer: Noncitizen Voting in U.S. Elections*, MIGRATION POLICY INSTITUTE (Sept. 2024), <https://www.migrationpolicy.org/content/noncitizen-voting-us-elections>.

10 *Id.*

11 Hillel R. Smith, CONG. RSCH. SERV., IF12767, IMMIGRATION CONSEQUENCES OF UNLAWFUL VOTING BY ALIENS (Sept. 18, 2024); see also Sean Morales-Doyle, *Noncitizen Voting Isn’t Affecting State or Federal Elections—Here’s Why*, BRENNAN CTR. FOR JUST. (Apr. 12, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/noncitizens-are-not-voting-federal-or-state-elections-heres-why>.

12 Morales-Doyle, *supra* note 11.

13 Christopher Famighetti et al., NONCITIZEN VOTING: THE MISSING MILLIONS at 2 (2017), https://www.brennancenter.org/media/256/download/Report_2017_NoncitizenVoting_Final.pdf?inline=1.

14 *Id.* at 1.

15 Brown & Menon, *supra* note 8.

16 Stephen Miller, quoted in *Illegally Withholding List of 218,000+ Registered Voters Who Have Not Provided Proof of Citizenship*, AMERICA FIRST LEGAL (Oct. 3, 2024), <https://aflegal.org/america-first-legal-sues-arizona-secretary-of-states-office-for-illegally-withholding-list-of-218000-registered-voters-who-have-not-provided-proof-of-citizenship/>.

Truth Social, that “THE DEMOCRATS’ NEW FORM OF CHEATING” involved state agencies—such as motor vehicle departments—“providing voter registration forms to migrants without requiring proof of citizenship.”¹⁷ Such reckless and inaccurate assertions provide a basis for the imposition of barriers to vote, expose naturalized citizens to harassment while engaging with the democratic process, and fuel distrust in election outcomes.

Example: A post-election review by the Michigan Secretary of State confirmed incidences of non-citizen voting are incredibly rare and promptly addressed. The Secretary’s review found only 15 credible cases of non-citizen voting out of more than 5.7 million votes cast. Of the 15 credible cases identified, 13 were referred to the state attorney general.¹⁸

2. FEDERAL OVERREACH EXACERBATING IMPACT OF CLAIMS OF FRAUD

In the second Trump Administration, partisan activists who spread misinformation about election administration following the 2020 Presidential election have been elevated to key election-related positions within the Department of Homeland Security and the Department of Justice.¹⁹ For example, Harmeet Dhillon—a former Trump adviser that spread misinformation about the 2020 election—is serving as the Assistant Attorney General for Civil Rights and is responsible for the Department of Justice’s voting rights section.²⁰ Heather Honey—a former partner with the Election Integrity Network, an activist group that perpetuates false claims about the 2020 election—serves as the Deputy Assistant Secretary for Elections Integrity within the Department of Homeland Security, working directly with state election officials on voting policy. Honey also oversees the Cybersecurity and Infrastructure Security Agency (CISA), which prior to funding cuts under the current administration, provided critical support for election security to the states.²¹ Kurt Olsen, a former Trump Campaign lawyer that tried to overturn the 2020 election results in the courts, was recently appointed as a “special government employee” and tasked with “work on election issues.”²² Mac Warner, a former West Virginia election official that claimed the CIA meddled in the 2020 election, is serving as Assistant Attorney General for the Civil Rights Division and as a board member of the Election Assistance Commission (EAC).²³

17 Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Jun. 18, 2024, 9:54 PM), <https://truthsocial.com/@realDonaldTrump/posts/112640790026870586> (linking to Josh Christenson, *How Non-Citizens Are Getting Voter Registration Forms Across The US—And How Republicans Are Trying to Stop It*, NYPOST (Jun. 14, 2024), <https://nypost.com/2024/06/14/us-news/how-non-citizens-are-getting-voter-registration-forms-across-the-us-and-how-republicans-are-trying-to-stop-it/>).

18 Press Release, Mich. Dep’t. of State Review Confirms Instances of Noncitizen Voting are Extremely Rare (Apr. 5, 2025), <https://www.michigan.gov/sos/resources/news/2025/04/03/michigan-department-of-state-review-confirms-instances-of-noncitizen-voting-are-extremely-rare>.

19 Alexandra Berzon & Nick Corasaniti, *Trump Empowers Election Deniers, Still Fixated on 2020 Grievances*, N.Y. TIMES (Oct. 22, 2025), <https://www.nytimes.com/2025/10/22/us/politics/trump-election-deniers-voting-security.html>.

20 Matt Cohen, *Trump’s Administration if Full of Election Deniers—They’re already working to Rig the Vote*, DEMOCRACY DOCKET (Nov. 15, 2025), <https://www.democracymocket.com/analysis/trumps-administration-is-full-of-election-deniers-theyre-already-working-to-rig-the-vote/>.

21 *Id.*

22 *Id.*

23 *Id.*

It is almost certain that these individuals will use these positions of authority to bolster baseless claims of widespread fraud in the states to promote distrust in the electoral system and weaponize federal authorities to influence election administration or participation in the states in 2026 and beyond.²⁴ Mac Warner has reportedly already used his position to pressure the EAC to implement provisions of an unlawful executive order requiring documentary proof of citizenship to register to vote.²⁵ The New York Times reported in July of 2025 that senior DOJ officials “are exploring whether they can bring criminal charges against state or local election officials if the Trump Administration determines they have not sufficiently safeguarded their computer systems,” based on unsubstantiated and nonspecific allegations of voter fraud.²⁶

3. POLICY RECOMMENDATIONS

To minimize the impact of misinformation in future elections, it will be critical for election officials to engage in public education campaigns affirming the integrity of election processes. Following the 2020 election, routine practices were identified as evidence of fraud due to a lack of understanding of how election processes work. Since then, the role of election officials in educating voters about the elections process has become even more important. Numerous resources are available to election officials, including a guide from the Elections Group.²⁷ Strategies for election officials to build effective public education campaigns include the following:

- a. Proactively communicate with voters.
- b. Convey and manage expectations about what to expect and the typical timeframe and duration of each step of the pre- and post-election process.
- c. Provide transparency into election administration and the safeguards in place to ensure elections are accurate and secure by inviting the public to election offices to observe parts of the processes for themselves.
- d. Encourage skeptical voters to volunteer as poll workers.
- e. Develop a crisis communication plan to respond to potential errors or misunderstandings that arise during the election. Ensure you have accurate information on hand that is easy to disseminate.

²⁴ See, e.g., Matt Cohen, *In New Jersey, Trump-Appointed Prosecutor Vows to Hunt Fraud While Bomb Threats Disrupt Voting*, DEMOCRACY DOCKET (Nov. 4, 2025), <https://www.democracydocket.com/news-alerts/in-new-jersey-trump-appointed-prosecutor-vows-to-hunt-fraud-while-bomb-threats-disrupt-voting/>; Matt Cohen, *Trump Administration to Monitor Voting in California and New Jersey*, DEMOCRACY DOCKET (Oct. 24, 2025), <https://www.democracydocket.com/news-alerts/trump-administration-to-monitor-voting-in-california-and-new-jersey/>; Eileen O'Connor, *Justice Department Has Demanded Voter Files from at Least 27 States*, BRENNAN CTR. FOR JUST. (Aug. 28, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/justice-department-has-demanded-voter-files-least-21-states>.

²⁵ Cohen, *supra* note 20.

²⁶ Devlin Barrett & Nick Corasaniti, *Justice Dept. Explores Using Criminal Charges Against Election Officials*, N.Y. TIMES (Jul. 2, 2025), <https://www.nytimes.com/2025/07/02/us/politics/justice-department-election-data.html>.

²⁷ The Elections Group, *Telling Our Story: An Elections Communications Guide* (May 18, 2022), <https://electionsgroup.com/resource/telling-our-story-an-elections-communication-guide/>.

B. Purging Voter Rolls Before Election Day

During the 2024 election cycle, partisan actors engaged in coordinated efforts to purge voter rolls through mass voter registration challenges and challenging voter list maintenance practices under the National Voter Registration Act (NVRA) in court.

1. MASS CHALLENGES

In recent elections, partisan actors weaponized historically discriminatory state laws allowing individual citizens to challenge their peers' right to vote on or before Election Day to instigate mass pre-election challenges to voter eligibility.²⁸ In many states, individual challengers can allege, at one time, that hundreds—or even thousands—of registered voters are ineligible by “rely[ing] on faulty data sets containing inaccurate or outdated information” and “without explaining how they reached any conclusion about each particular challenged voter.”²⁹ This strategy wrongly assumes that “any inaccuracy in the voter rolls equates to fraud and that erroneous registrations are ‘evidence’ for past and future claims of vote fraud.”³⁰

In 2024, there was a significant rise in organized, partisan efforts to instigate mass voter challenges at the federal and state level.³¹ An investigation by *Documented* detailed six national and four state-level projects to challenge voter eligibility, largely funded by undisclosed sources.³² Prominent at the national level is EagleAI Network, a project backed by Cleta Mitchell, the Conservative Partnership Institute, and the Election Integrity Network.³³ EagleAI offers a “system that performs data matches based on a database of public voter data amassed by a web scraper.”³⁴ The system allows partisan activist groups like the Election Integrity Network to enlist volunteers on the ground to pursue mass challenges with minimal effort or personal knowledge regarding the actual eligibility of any potentially impacted voter. EagleAI’s algorithm, which is fed by unreliable data sources not intended for voter list maintenance, like the National Change of Address (NCOA) list, business records, newspaper obituaries, and “Google scrapes,” flags “suspicious” voter registrations for volunteer activists to “corroborate,” and facilitates the challenges by automatically generating the required challenge forms that can be sent to local elections boards.³⁵ Reporting found that voters can be flagged as “suspicious” based on clerical errors in the registration, “such as misspelling a street name; people whose personal information differs between EagleAI Network’s different

28 Kate Hamilton, *Frivolous Mass Challenges to Voter Eligibility Damaging to Democracy*, CAMPAIGN LEGAL CTR. (Oct. 6, 2022), <https://campaignlegal.org/update/frivolous-mass-challenges-voter-eligibility-damaging-democracy>; Robyn Sanders & Alice Clapman, *Protections Against Mass Challenges to Voter Eligibility*, BRENNAN CTR. FOR JUST. (JULY 17, 2024), <https://www.brennancenter.org/our-work/research-reports/protections-against-mass-challenges-voter-eligibility>.

29 Hamilton, *supra* note 28.

30 *Id.*

31 *The Rise of Organized, Tech-Driven Mass Voter Challenges*, DOCUMENTED (July 2, 2024), <https://documented.net/investigations/organized-mass-voter-challenges>.

32 *Id.*

33 *Id.*

34 Alice Clapman & Andrew Garber, *A New Antidemocracy Tool*, BRENNAN CTR. FOR JUST. (Sept. 5, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/new-antidemocracy-tool>.

35 *The Rise of Organized, Tech-Driven Mass Voter Challenges*, *supra* note 31.

databases, such as two different home addresses if someone has recently moved; or people who have died but haven't been removed from EagleAI Network's most recent voter rolls."³⁶

Frivolous mass challenges burden both election administrators and voters with little more than an address discrepancy to underwrite the challenge. Challenges based on flimsy NCOA list data particularly put vulnerable voting populations—those that do not have traditional or long-term housing, such as nursing home residents, college students, unhoused people, and renters—most at risk of having their registration challenged or cancelled.³⁷

Example: Thirteen counties in Ohio told local reporters they received thousands of mass challenges, the majority of which were filed by the Election Integrity Network and relied on third-party data sources purporting to show a change of address as the basis to challenge voters' registration.³⁸ "Several election officials said they've never seen anything like the [recent] wave of seemingly coordinated 'mass voter challenges.'"³⁹ While the text of state laws generally burden the challenger, Kelly Dufour of Common Cause Ohio told local media in Cleveland that it "doesn't feel that way when you watch a hearing in person... [where] challengers admit to having no personal knowledge of a voter's whereabouts or residency" but still have their case heard.⁴⁰

2. NVRA LIST MAINTENANCE LITIGATION

Voter list maintenance practices under the National Voter Registration Act (NVRA) and related litigation proved to be an ongoing source of potential voter suppression or intimidation ahead of the 2024 election. According to Democracy Docket, in the month leading up to the election, there were "over two dozen active lawsuits flagging alleged errors, inaccuracies, or deficiencies on voter rolls, or challenging policies pertaining to voter roll maintenance."⁴¹ In a shift from earlier years where plaintiffs sued to access voter rolls, the lawsuits filed ahead of the 2024 election focused on allegations that election officials were failing to remove ineligible voters from the voter rolls in accordance with the NVRA or that county boards refused to respond to voter eligibility challenges. These challenges serve as a predicate to purging voters from the rolls shortly before the election.

Example: An activist group and voters sued the Michigan Secretary of State, the Michigan Attorney General, and the U.S. Attorney General, alleging 379,130 voting violations and over 58 million "voter registration violations."⁴² The case was

36 Caroline Haskins, *An Election Denial Group Has Spent Months Compiling 'Suspicious Voter' Lists in North Carolina*, WIRED (Nov. 5, 2024), <https://www.wired.com/story/eagleai-network-suspicious-voter-lists-north-carolina/>.

37 All Voting is Local et al., *UNDERSTANDING THE FLAWED DATA METHODOLOGIES UNDERLYING MASS VOTER CHALLENGES* (Sept. 2024), <https://allvotingislocal.org/wp-content/uploads/All-Voting-Report-VPT-White-Paper-SEPT-2024-R3.pdf>.

38 Jake Zuckerman, *A Network of Conservative Activists Want to Kick Thousands of Ohioans Off the Voter Rolls*, CLEVELAND.COM (Sept. 25, 2024), <https://www.cleveland.com/open/2024/09/a-network-of-conservative-activists-wants-to-kick-thousands-of-ohioans-off-the-voter-rolls.html>.

39 *Id.*

40 *Id.*

41 Crystal Hill, *What you Need to Know About Voter Roll Maintenance*, DEMOCRACY DOCKET (Oct. 4, 2024), <https://www.democracymocket.com/analysis/what-you-need-to-know-about-voter-roll-maintenance/>.

42 *Michigan Voter Roll Maintenance Challenge (United Sovereign Americans)*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/michigan-voter-roll-maintenance-challenge/> (last visited Nov. 4, 2025).

dismissed by the federal district court on May 5, 2025.⁴³ Plaintiffs filed near identical complaints in at least eight other jurisdictions, including Georgia, Colorado, North Carolina, Texas, Florida, Ohio, Pennsylvania, and Maryland.⁴⁴ The lawsuits in Georgia, Maryland, Pennsylvania, Texas, North Carolina, and Florida were dismissed in the district courts; litigation in Colorado and Ohio is ongoing.⁴⁵

3. FEDERAL OVERREACH EXACERBATING VOTER ROLL PURGES

The Trump Administration has taken actions that threaten to purge eligible voters from the voter rolls ahead of the 2026 elections, exacerbating the future risks of mass challenges and NVRA litigation in the states. In early 2025, the Administration issued Executive Orders (EO) 14248, *Preserving and Protecting the Integrity of American Elections* and EO 14159, *Protecting the American People Against Invasion*, which, in part, provided a basis for the Department of Homeland Security (DHS) to overhaul the Systematic Alien Verification for Entitlements (SAVE) database to function as a centralized “source for verifying non-citizen status nationwide.”⁴⁶ One of the use cases for the expanded database functionality is to allow for bulk citizenship checks against state voter registration databases.⁴⁷ Not only does the overhauled SAVE database sweep the sensitive data of U.S.-born citizens into SAVE, data within the existing system is long recognized to be unreliable. the Social Security Administration (SSA) itself has indicated that citizenship data in the SAVE database is “indicative” but not “definitive” of an individual’s citizenship status, as the data may be incomplete and unreliable.⁴⁸ Reliance on this data to confirm citizenship status seriously risks disenfranchising eligible voters through inappropriate voter roll purges.

Additionally, the Department of Justice (DOJ) began demanding access to states’ election and voting data in an apparent attempt to pressure states to restrict voting under the guise of

43 *United Sovereign Americans, Inc., et al v. Benson et al.*, No. 2:24-cv-12256 (E.D. Mich. May 2, 2025).

44 See *Georgia Voter Roll Maintenance Challenge: Quinn v. Raffensperger*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/georgia-voter-roll-maintenance-challenge/> (last visited Nov. 21, 2025); Madeline Greenberg, *Federal Court Dismisses Right-Wing Lawsuit Attempting to Upsend Maryland Election Administration*, DEMOCRACY DOCKET (May 9, 2024), <https://www.democracymocket.com/news-alerts/federal-court-dismisses-right-wing-lawsuit-attempting-to-upend-maryland-election-administration/>; *Pennsylvania Voter Roll Maintenance and Voting System Accuracy Challenge (United Sovereign Americans)*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/pennsylvania-voter-roll-maintenance-and-voting-system-accuracy-challenge/> (last visited Nov. 21, 2025); *Texas Voter Roll Maintenance Challenge: United Sovereign Americans v. Nelson*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/texas-voter-roll-maintenance-challenge/> (last visited Nov. 21, 2025); *North Carolina Voter Roll Maintenance Challenge: United Sovereign Americans v. North Carolina State Board of Elections*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/north-carolina-voter-roll-maintenance-challenge/> (last visited Nov. 21, 2025); *Florida Voter Roll Maintenance Challenge: United Sovereign Americans v. Byrd*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/florida-voter-roll-maintenance-challenge/> (last visited Nov. 21, 2025); *Colorado Voter Roll Maintenance Challenge: United Sovereign Americans v. Griswold*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/colorado-voter-roll-maintenance-challenge/> (last visited Nov. 21, 2025); *Ohio Voter Roll Maintenance Challenge: United Sovereign Americans v. State of Ohio*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/ohio-voter-roll-maintenance-challenge/> (last visited Nov. 21, 2025).

45 *Id.*

46 Press Release, DHS, USCIS, DOGE Overhaul Systematic Alien Verification for Entitlements Database (Apr. 22, 2025), <https://www.dhs.gov/news/2025/04/22/dhs-uscis-doge-overhaul-systematic-alien-verification-entitlements-database>; see also Privacy Act of 1974; System of Records, 90 Fed. Reg. 48948 (Oct. 21, 2025) (citing EO’s 14159 and 14248 as basis for notice).

47 *Id.*; see also Yunior Rivas & Jim Saska, *In Late Notice, DHS Turbocharges Trump’s Voter Purge Database, Evading Privacy Protections*, DEMOCRACY DOCKET (Oct. 31, 2025), <https://www.democracymocket.com/news-alerts/in-late-notice-dhs-turbocharges-trumps-voter-purge-database-evading-privacy-protections/>.

48 Letter from SSA Off. of Gen. Counsel to Fair Elections Ctr. (July 13, 2023), available at <https://fairelectionscenter.org/wp-content/uploads/2025/07/SSA-Touhy-Decision-letter-July-13-2023-signed.pdf>. The letter notes that: 1) individuals report their citizenship status to the SSA when applying for a Social Security number, but other entities—such as the Department of Homeland Security (DHS), the Department of State, or states—are responsible for recording and confirming citizenship status depending on how an individual obtained citizenship; 2) individuals are not obligated to report a change in immigration status to the SSA unless receiving Social Security payments; 3) the SSA did not consistently maintain citizenship data prior to 1981; and 4) the SSA admittedly does not have citizenship data for every individual that has a Social Security number.

preventing voter fraud.⁴⁹ The demands are “part of a broader effort by DOJ to monitor and interrogate states’ compliance with federal voting laws concerning voter roll maintenance” but include demands unrelated to requirements under federal law.⁵⁰ For example, a letter sent to election officials in Minnesota, citing compliance with list maintenance requirements under the Help America Vote Act (HAVA), demanded information about how noncitizens are identified and removed from voting rolls as well as data from the statewide registration rolls that included inactive voters.⁵¹ The DOJ is using civil enforcement and criminal prosecutors to gain access to the data, which may be misused or put pressure on states to improperly remove eligible voters from the voter rolls to avoid federal scrutiny.⁵²

4. POLICY RECOMMENDATIONS TO PROTECT AGAINST VOTER ROLL PURGES

Corrective policy measures can reverse or mitigate the effects of attempts to improperly purge voter rolls by reigning in bad faith mass challenges. Suggested measures include:

1. Imposing, by legislation or rule, an evidentiary standard requiring challengers to demonstrate personal knowledge of individualized facts establishing another voter’s ineligibility to vote. The standard of proof should establish or clarify that NCOA data, on its own, is an insufficient basis to challenge a voter’s eligibility.
2. Limiting, by legislation or rule, the ability to challenge another voter’s eligibility to only those made in-person by an individual registered to vote in that county or similar subdivision.
3. Limiting, by legislation or rule, the nature and number of questions that can be asked of a challenged voter to only those necessary for the individual to establish their eligibility to vote.
4. Imposing, by rule or statute, a reasonable deadline on the submission of multiple challenges by a single individual prior to Election Day. It would be consistent with the NVRA to prevent last-minute voter roll purges by setting this deadline at least 90 days prior to Election Day. Alternatively, states or localities could limit the ability of individuals to formally challenge a voter’s eligibility at the state level within 90 days of Election Day by routing prospective challenges through a local election officials as a referral to substantiate prior to making a formal challenge under state law.
5. Requiring, by legislation or rule, challengers to sign an affidavit attesting to their personal knowledge of such facts supporting a challenge to voter eligibility.
6. Imposing, by legislation, civil and/or criminal penalties on individuals that make frivolous challenges or false statements to advance a voter eligibility challenge.

49 Matt Cohen, *All the States Where DOJ is Demanding Voting Data*, DEMOCRACY DOCKET (Jul. 18, 2025), <https://www.democracydocket.com/news-alerts/all-the-states-where-doj-is-demanding-voting-data/>.

50 Matt Cohen, *DOJ Demands Access to Minnesota’s Voter Rolls*, DEMOCRACY DOCKET (Jul. 9, 2025), <https://www.democracydocket.com/news-alerts/doj-demands-access-to-minnesotas-voter-rolls/>.

51 *Id.*

52 *Timeline: Tracking the Trump Justice Department’s Anti-Voting Shift*, DEMOCRACY DOCKET, <https://www.democracydocket.com/timeline-tracking-the-trump-justice-departments-anti-voting-shift/> (last visited Nov. 21, 2025).

While NVRA litigation will force states to be reactive to challenges in court, it is encouraging that the majority of the rulings coming out of the 2024 cycle favored voters. It will be critical for election officials to engage in public education campaigns affirming the integrity of list maintenance practices and the rarity of voter fraud to combat the oxygen that this type of litigation gives to conspiracy theories.

C. Invalidating Votes After Election Day

Once ballots were submitted, partisan actors targeted practices and procedures related to processing or counting absentee ballots, arguing, in many cases, that the supposed improperly counted ballots dilute the weight of valid ballots. This tactic threatens to disenfranchise voters—particularly military and overseas voters—even when voters cast ballots consistent with state law or rules in place at the time.

1. LITIGATION TO INVALIDATE LEGALLY CAST BALLOTS

In 2024, efforts to invalidate votes based on challenges to rules in place at the time the ballots were cast were leveraged to attempt to invalidate lawful votes. Litigation mainly involved plaintiffs seeking to invalidate ballots that were postmarked by, but received after, Election Day, or challenging the residency status of citizens abroad that vote under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA).

Example: In Nevada, The Republican National Committee (RNC) and the Trump Campaign filed a lawsuit against the Secretary of State and other election officials in Nevada, challenging the state’s policy of counting ballots without a postmark received up to three days after Election Day. The complaint alleges that the policy unfairly dilutes legally cast votes and disproportionately harms Republicans, who tend to vote in person.⁵³ The Nevada Supreme Court affirmed the trial court’s decision holding that the ballots challenged in the lawsuit were to be counted in the 2024 election. In another Nevada lawsuit, the RNC and Trump Campaign challenged the state’s practice of accepting mail ballots after Election Day in federal court. Plaintiffs argued Congress established Election Day, which preempts accepting ballots after that day.⁵⁴ The district court dismissed the complaint, and the case is on appeal in the 9th Circuit.

2. LITIGATION OR OTHER SCRUTINY TO REJECT BALLOTS WITHOUT AN OPPORTUNITY TO CURE

In 2024, there were efforts to encourage election officials to reject ballots based on mistakes that could be cured or addressed with additional scrutiny—such as a failure by a voter to sign or date an outer envelope or use a security envelope. Typically, such ballots will be set aside as provisional ballots; however, litigation was leveraged to try to force election officials to reject those ballots outright. Litigation or other scrutiny related to ballot processing may increase

⁵³ *Nevada Non-Postmarked Ballots Challenge (RNC)*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/nevada-non-postmarked-ballots-challenge-rnc/> (last visited Nov. 21, 2025).

⁵⁴ *Nevada Ballot Receipt Deadline Challenge (RNC)*, DEMOCRACY DOCKET, <https://www.democracymocket.com/cases/nevada-ballot-receipt-deadline-challenge-rnc/> (last visited Nov. 21, 2025).

ballot rejection rates of lawful ballots, highlighting the importance of allowing voters the opportunity to cure defective mail or absentee ballots so they can be counted.⁵⁵

Example: Reporting and analysis of the 2024 election by Spotlight PA found that in Pennsylvania—where some counties allow voters to cure defective ballots before they are rejected, while others do not—17 percent fewer ballots were rejected in counties where voters were provided an opportunity to cure disqualifying errors.⁵⁶

Example: In Florida, the St. John’s County Supervisor of Elections pointed to recent changes to laws governing signature verification to explain the office’s reversal of a practice to “err on the side of the voter” when making signature matches.⁵⁷ Consequently, the county had a disproportionately high rate of ballot rejections (6.9 percent) compared to the state-wide average (0.63 percent).⁵⁸

3. FEDERAL OVERREACH EXACERBATING THE IMPACT

President Trump indicated he plans to “lead a movement” to eliminate mail-in ballots based on unsubstantiated claims of widespread fraud.⁵⁹ Even if the state laws regarding mail-in voting remain unchanged, the movement to delegitimize absentee voting will encourage higher rejection rates of mail-in ballots by election officials in the states and negatively impact voters who rely on this method to vote.

Additionally, President Trump signed an Executive Order (EO) revoking a Biden Administration EO that directed federal agencies to promote voter registration, particularly to military and overseas voters that cast ballots under UOCAVA.⁶⁰ This action will potentially reduce participation by eligible voters and functions to legitimize assertions that the Biden administration and Democrats were engaged in a plot to register noncitizens to illegally vote *en masse*, undetected by election officials.

4. POLICY RECOMMENDATIONS

States should consider legislation limiting the timeframe when legal challenges to laws or rules related to mail-in ballots or overseas voting can be brought to mitigate the confusion accompanying last minute litigation. State and local governments should also ensure that voters have sufficient notice-and-cure processes in place to allow voters that make mistakes on absentee ballots the opportunity to have their ballots cured and votes counted.

⁵⁵ *Mail Ballots, Notice-and-Cure, and the 2024 Election*, ACLU PA, <https://www.aclupa.org/mail-ballots-notice-and-cure-and-2024-election/> (last visited Nov. 21, 2025).

⁵⁶ Carter Walker, *Letting Voters Fix Mail Ballots Cuts Rejection Rates. Not All Pa. Counties allow it.*, SPOTLIGHT PA (Feb 4, 2025), <https://www.spotlightpa.org/news/2025/02/pennsylvania-election-mail-ballot-rejection-data-curing-county-differences/>.

⁵⁷ Mitch Perry, *New Election Laws Cause One FL Elections Supervisor to Tighten Scrutiny on VBM Ballots*, FLORIDA PHOENIX (Aug. 16, 2024), <https://floridaphoenix.com/2024/08/16/new-election-laws-cause-one-fl-elections-supervisor-to-tighten-scrutiny-on-vbm-ballots/>.

⁵⁸ *Id.*

⁵⁹ Ashley Lopez, *Trump Wants to Stop States from Voting by Mail and Using Voting Machines*, NPR NEWS (Aug. 19, 2025), <https://www.npr.org/2025/08/18/nx-s1-5506210/trump-mail-in-ballots-ban>.

⁶⁰ Exec. Order No. 14,148, 90 Fed. Reg. 8237 (Jan. 20, 2025) (revoking Exec. Order No. 14,019, 86 Fed. Reg. 13623 (Mar. 7, 2021)).

D. Refusing to Accept or Certify Election Results

Following the 2020 election, unsubstantiated accusations of voter fraud or maladministration have been leveraged to support policy changes that permit election officials to refuse to certify election results. Even without policy changes allowing officials to refuse to certify, claims of irregularities have been used to provide cover for officials to assert they have the authority to question, investigate, or ultimately refuse to certify the results.⁶¹ Even when courts compel certification, the delay erodes public confidence and paves the way for further policy changes that burden the rights of voters.

Example: The Georgia State Board of Elections adopted last-minute rules giving county election boards an avenue to delay certification by allowing them to conduct “reasonable” inquiries that tabulation and canvassing are complete and accurate before certification and to require an independent hand count of all ballots after they have been tabulated.⁶² A Fulton County Superior Court judge blocked the rules as “illegal, unconstitutional and void” in October.⁶³ The Georgia Supreme Court upheld the decision in June 2025.⁶⁴ Fulton County Board of Elections member Julie Adams brought a lawsuit seeking declaratory judgement that certification duties are discretionary for individual members and that she would be entitled to full access to all election materials. The trial court dismissed the lawsuit on October 14, 2024, and the Georgia Court of Appeals upheld the trial court decision on July 2, 2025.⁶⁵

1. POLICY RECOMMENDATIONS

States should pass legislation or rules to establish or clarify that state and local election boards’ role in certification is nondiscretionary and ministerial in nature. Officials’ role is mandatory

61 For example, Waynesboro, Virginia Board of Elections member Curtis Lily indicated he would refuse to certify the 2024 election results because board members are “unable to personally review and verify” voting machine tabulations by accessing the tabulated ballots. See Lyra Bordelon, *Waynesboro Registrar, Electoral Board Members Speak Out on November Election Lawsuit*, NEWS LEADER (Oct. 16, 2024), <https://www.newsleader.com/story/news/local/2024/10/16/waynesboro-registrar-electoral-board-members-speak-out-on-november-election-lawsuit/75699140007/>. The comment was made after Lily and others filed a lawsuit against Virginia Commissioner of Elections Susan Beals and others challenging the accuracy of the voting machines. The complaint was voluntarily dismissed in December 2024. See *Virginia Waynesboro Voting Machines Challenge: Lilly v. Beals*, DEMOCRACY DOCKET, <https://www.democracymachine.com/cases/virginia-waynesboro-county-voting-machines-challenge/> (last visited Nov. 25, 2025). The Delta County, Michigan Board of Canvassers refused to certify the local election results for a county commission race in May of 2024 based on concerns of “suspicious voting ratios” raised by outside groups, including the Election Integrity Force and Citizens for Electoral Justice. The Delta County Clerk, Nancy Przwrocki, told media there were no voting irregularities. She said, “[t]his is absolutely about November, getting ready for what might happen then. If the vote doesn’t go their way, it’s not going to be a good situation. They are going to find the same issues with certifying the elections in November as they do now.” See Madeleine May, *Michigan County Refused to Certify Vote, Prompting Fears of a Growing Election Threat This Fall*, CBS NEWS (May 21, 2024), <https://www.cbsnews.com/news/michigan-county-refuses-to-certify-vote-growing-election-threat/>. The Kalamazoo, Michigan Board of County Canvassers member Robert Froman told the Detroit News he believed the 2020 election was stolen from Trump and would refuse to certify the 2024 election if he thought there was fraud. Froman denied making the statement. See *ACLU Sues Kalamazoo County Election Official to Ensure Election Certification Laws Are Followed*, ACLU MICHIGAN (Sept. 3, 2024), <https://www.aclumich.org/en/press-releases/aclu-sues-kalamazoo-county-election-official-ensure-election-certification-laws-are>. The ACLU sued for declaratory relief, but the parties stipulated a dismissal in September 2024. See *Stipulated Dismissal Order, ACLU of Michigan, et al., v. Froman*, No. 2024-0533-CZ (Mich. Cir. Court, Kalamazoo County), available at <https://www.aclu.org/cases/aclu-of-michigan-v-froman?document=Stipulated-Dismissal-Order>.

62 Sam Levine, *Georgia Election Deniers Helped Pass New Voting Rules. Many Worry It’ll Lead to Chaos in November*, THE GUARDIAN (Aug. 23, 2024), <https://www.theguardian.com/us-news/article/2024/aug/23/georgia-election-deniers-pass-new-laws-election-chaos>.

63 Dan Raby & Kate Brumback, *Georgia Supreme Court Considering If Judge Was Right To Block State Election Board Rules*, FOX5 ATLANTA (Mar. 20, 2025), <https://www.fox5atlanta.com/news/georgia-supreme-court-state-election-board-rules-blocked>.

64 Matt Cohen, *Georgia Supreme Court Blocks State Election Board’s Anti-Voting Rules*, DEMOCRACY DOCKET (Jul 10, 2025), <https://www.democracymachine.com/news-alerts/georgia-supreme-court-blocks-state-election-boards-anti-voting-rules/>.

65 *Georgia Fulton County Certification Challenge II: Adams v. Fulton County*, DEMOCRACY DOCKET, <https://www.democracymachine.com/cases/georgia-fulton-county-certification-challenge-ii/> (last visited Nov. 25, 2025).

and should be limited to the compilation of results and declaration of winners; they do not have authority to refuse to certify election results. For additional protections, states should consider allowing the designated state certifying authority to certify local results should the local board delay or refuse to certify results before the deadline to do so, to ensure that results can be properly finalized for outstanding races. Michigan, for example, mandates that the state board of canvassers complete the canvass if a county board fails to do so by the relevant deadlines.⁶⁶ States can similarly adopt or clarify policies that allow for the removal of rogue officials for failure to perform their duties.

While each state has their own post-election timeline to which local and state officials should be held accountable, we recommend that states ensure that applicable local and state counting, canvass, certification, audit, and recount deadlines are clear, attainable, and in compliance with the federal Electoral Count Reform Act (ECRA), which mandates that for presidential elections, each state's executive must issue a certificate of ascertainment at least six days before the electors meet.

III. CASE STUDY: NORTH CAROLINA SUPREME COURT RACE

The most notable example of election sabotage in the 2024 election cycle was borne out in the North Carolina Supreme Court race. This subversion attempt is a warning for what to expect in 2026 and illustrates the dangers of allowing elections subversion tactics to proliferate unchecked.

After losing by a narrow margin of 734 votes (which was confirmed by two recounts), North Carolina Supreme Court Candidate Jefferson Griffin tried to overturn the results of the election by challenging the validity of the rules in place when the votes were cast.⁶⁷ Specifically, Griffin asked the North Carolina State Board of Elections to throw out 65,000 legally cast absentee and early-vote ballots due to administrative errors during the registration process (voter registration records lacked a driver's license number and partial Social Security number even though voters would have had to have shown identification when registering to vote) and dissatisfaction with the rules governing overseas and military voters at the time of the election (that these voters were exempted from including a copy of their identification with the mail ballot).⁶⁸ Notably, the overseas ballots challenged by Griffin were targeted at only a handful of Democratic-leaning counties.⁶⁹

66 MICH. COMP. LAWS § 168.822. "It is the ministerial, clerical, and nondiscretionary duty of each board of county canvassers, and each of the members of the board of county canvassers, to certify election results based solely on the statements of returns from the election day precincts, early voting sites, and absent voter counting boards in the county and any corrected returns....[I]f the board of county canvassers fails to certify the results of any election for any officer or proposition by the fourteenth day after the election as provided, the board of county canvassers shall immediately deliver to the secretary of the board of state canvassers all records and other information pertaining to the election... the board of state canvassers shall meet immediately and make the necessary determinations and certify the results no later than the twentieth day after the election."

67 *Griffin v. North Carolina State Board of Elections*, Case No. 5:24-CV-00731-M, slip op. at 2-6 (E.D.N.C. May 5, 2025).

68 Eduardo Medina & Nick Corasaniti, *What to Know About the Legal Battle Over a North Carolina Supreme Court Race*, N.Y. TIMES (May 13, 2025), <https://www.nytimes.com/2025/04/22/us/north-carolina-supreme-court-race-explainer.html>.

69 *Id.*

The State Board of Elections rejected Griffin's contest, which led to six months of litigation in state and federal courts that delayed certification of the election and caused confusion for voters who did not know if their votes would be counted.⁷⁰ A state appeals court and the state supreme court allowed the outcome-determinative challenges to the overseas ballots to proceed, making partisan challenges to election rules after the election appear viable to future candidates.⁷¹ Ultimately, a federal district court rejected the challenges to the overseas ballots, stating the "state cannot, consistent with due process, change the rules after the game by telling voters one thing before the election and changing policy thereafter."⁷² The circumstances underlying Griffin's challenge existed ahead of the election and could have been challenged then. The opinion further cited precedent in the 4th Circuit "set[ting] forth the general rule that a candidate should not be allowed to ambush an adversary or subvert the election process by intentionally delaying a request for remedial action to see first whether they are successful at the polls."⁷³ "Permitting parties to upend the set of rules of an election after the election has taken place can only produce confusion and turmoil which threatens to undermine public confidence in federal courts, state agencies, and the elections themselves."⁷⁴

IV. EFFECTS OF ELECTION SUBVERSION ON DEMOCRACY

Even when unsuccessful, election subversion efforts are damaging. The 2024 election cycle revealed how these tactics erode public trust, suppress participation, and endanger those who administer elections. The result is a political environment where democratic processes persist but are increasingly fragile.

A. Climate of Violence and Intimidation

Ahead of the 2024 election, we saw continued incidents of election-related violence. According to reporting by Reuters, there were at least 300 cases of political violence identified between January 6, 2021, and October 21, 2024.⁷⁵ The incidents identified by Reuters ranged from vandalism to the assassination attempt on Donald Trump. The climate of violence, particularly when directed at elections-related personnel and infrastructure, poses an ongoing risk to smooth and efficient election administration.

Election workers and election officials have been targeted with violent threats by high-profile partisans and members of the public alike. Accordingly, recruiting and retaining volunteers and election officials remains an ongoing challenge.⁷⁶ Examples include:

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Griffin v. North Carolina State Board of Elections*, Case No. 5:24-CV-00731-M, slip op. at 46 (E.D.N.C. May 5, 2025).

⁷³ *Id.* at 43 (citing *United States v. City of Cambridge, Md.*, 799 F.2d 137, 141 (4th Cir. 1986)).

⁷⁴ *Id.* at 67.

⁷⁵ Ned Parker & Peter Eisler, *New Cases of Political Violence Roll US Ahead of Contentious Election*, REUTERS (Oct. 21, 2024), <https://www.reuters.com/world/us/new-cases-political-violence-roll-us-ahead-contentious-election-2024-10-21/>.

⁷⁶ Eric Petry & Daniel I. Weiner, *Project 2025 Would Fuel the Assault of Election Officials*, BRENNAN CTR. FOR JUST. (Aug. 16, 2024), <https://www.brennancenter.org/our-work/research-reports/project-2025-would-fuel-assault-election-officials>.

- Maricopa County Arizona Supervisor Clint Hickman stated he would not run for reelection, citing threats and harassment he faced after certifying the 2020 election.⁷⁷
- The Democratic Party campaign office in Tempe, Arizona was damaged by gunfire the widows were shot in while the offices were empty.⁷⁸
- Michigan Secretary of State Jocelyn Benson's home was targeted by swatting attacks twice in 48 hours in August 2024.⁷⁹ Rudy Giuliani tweeted that Benson was corrupt and engaging in election interference by keeping RFK Jr.'s name on the ballot in the state.⁸⁰
- A small but aggressive group of election deniers harassed the Georgia State Board of Elections following the 2020 election.⁸¹

In addition to harassment targeted at election officials, generalized threats have the potential to intimidate voters. Examples include:

- Candidate for U.S. Senate, Kari Lake, called for supporters to arm themselves during the "intense" six-month period leading up to the election.⁸² A representative from her campaign said the comments referred to Lake's support of the Second Amendment.
- Portage County, Ohio, Sheriff Bruce Zuchowski urged followers on Facebook to write down the home addresses of homes with Harris signs, supposedly with the intention of sending undocumented migrants to the homes if Harris won.⁸³ Many felt that this amounted to voter intimidation and the post was removed. Portage County Board of Elections voted to prohibit Zuchowski or his deputies from serving as security at its offices in the early voting period.⁸⁴
- Nationally, the RNC promised to field an army of poll watchers targeting cities with majorities of Democratic voters.⁸⁵

B. Attacks on Election Infrastructure

The concerning climate of violence included bomb threats directed at polling locations and direct attacks on ballot drop boxes. These incidents make it harder to safely administer elections and certify results that voters trust. There are additional concerns about the ambient effects of the threat of violence on voter behavior. A report by States United Democracy Center

⁷⁷ Rachel Leingang, *Top Maricopa County Official Quits as Election Looms: "All I Do is Play Defense"*, THE GUARDIAN (Feb. 18, 2024), <https://www.theguardian.com/us-news/2024/feb/18/maricopa-county-clint-hickman>.

⁷⁸ Haley Williams, *Arizona Democratic Campaign Office Damaged By Gunfire, Police Say*, NBC NEWS 12 (Sept. 23, 2024),

<https://www.12news.com/article/news/crime/dnc-campaign-office-in-tempe-damaged-gunfire-police-say/75-e7f6e6d8-a39b-409b-9988-12d3710c3ab3>.

⁷⁹ Jocelyn Benson (@JocelynBenson), X (Aug. 12, 2024, 6:13 PM) <https://x.com/JocelynBenson/status/1823120682114318728>.

⁸⁰ Rudy W. Giuliani (@RudyGiuliani), X (Sept. 2, 2024, 9:14 PM), <https://x.com/RudyGiuliani/status/1830776465291399270>.

⁸¹ Justin Glawe, *Revealed: The Election Deniers Relentlessly Hounding Georgia Officials*, THE GUARDIAN (Mar. 29, 2024), <https://www.theguardian.com/us-news/2024/mar/29/georgia-election-deniers-trump-2020-election>.

⁸² Chris Cameron & Kellen Browning, *Kari Lake Urges Supporters to Arm Themselves Ahead of Election*, N.Y. TIMES (Apr. 16, 2024), <https://www.nytimes.com/2024/04/16/us/politics/kari-lake-glock.html>.

⁸³ Praveena Somasundaram, *Ohio Sheriff Says to "Write Down" Addresses of Homes With Harris Signs*, WASH. POST (Sept. 16, 2024), <https://www.washingtonpost.com/politics/2024/09/16/ohio-harris-walz-political-sign/>.

⁸⁴ Jonathan Limehouse, *Ohio Sheriff's Office Removed From Election Security Duties After Controversial Facebook Post*, USA TODAY (Sept. 23, 2024), <https://www.usatoday.com/story/news/politics/elections/2024/09/23/portage-county-sheriff-department-election-security-facebook-post/75348382007/>.

⁸⁵ Ryan J. Reilly & Jane C. Timm, *How Trump Allies Stoked Election Chaos in Detroit in 2020—and What They're Planning in 2024*, NBC NEWS (Oct. 15, 2024), <https://www.nbcnews.com/politics/2024-election/trump-election-chaos-detroit-misinformation-rcna174091>.

estimated that as many as 5.5 million Americans may have decided not to vote in the 2024 election due to concerns about violence or harassment.⁸⁶

Example: An arsonist attacked a drive-up USPS collection mailbox in Pheonix, Arizona. Authorities believed 20 electoral ballots were damaged in the fire. USPS subsequently advised voters not to drop ballots in collection boxes after the last scheduled pick up of the day.⁸⁷

- **Two separate ballot boxes in Vancouver, Washington were targeted by arsonists, one of whom was successful and impacted hundreds of ballots.⁸⁸**
- **A ballot box in Portland, Oregon was targeted by arsonists, though only three ballots were impacted.⁸⁹**

Foreign actors continued efforts to sow confusion and mistrust in the U.S. electoral system; however, federal coordination with states and counties provided sufficient safeguards that prevented attempts at interference from having any widespread impact on the administration of elections. For example, on Election Day, there were coordinated bomb threats (attributed by federal authorities to Russia and Iran) targeting polling places in swing states like Arizona, Pennsylvania, Georgia, and Florida.⁹⁰ In some instances, polling locations were evacuated but all were ultimately reopened for voting.

Federal action may exacerbate the impacts of these threats in 2026 and beyond. Attorney General Pam Bondi disbanded the FBI Foreign Influence Taskforce, which was formed in 2017 to “combat secret foreign influence campaigns by China, Russia, and other adversaries that try to curry favor and sow chaos in American politics.”⁹¹ The Department of Homeland Security (DHS) cut critical federal funding and support to states to secure physical and digital election infrastructure under the Cybersecurity and Infrastructure Agency (CISA). CISA was critical in detecting and disseminating information about attempts by foreign actors to target U.S. election infrastructure in the 2024 election.⁹² States will largely be unable to detect and fend off foreign interference without federal support.

86 States United Democracy Ctr., SAFETY AND CONFIDENCE AT THE POLLS: HOW PERCEPTIONS OF ELECTION-RELATED VIOLENCE IMPACT WOMEN’S VOTING BEHAVIOR AND TURNOUT at 12 (2025), <https://www.electionsafety.org/SafetyAndConfidenceAtThePolls.pdf>.

87 David Caltabiano et al., *Phoenix Police ID Suspect in Arson of USPS Mailbox That Damaged Ballots*, AZ FAMILY (Oct. 24, 2024), <https://www.azfamily.com/app/2024/10/24/usps-blue-collection-box-damaged-by-fire-overnight-phoenix/>.

88 Allison Berry, *Hundreds of Ballots Possibly Burned After Vancouver Ballot Box Arson: FBI Investigation*, KATU (Oct. 28, 2024), <https://katu.com/news/local/vancouver-ballot-box-seen-smoking-same-morning-as-portland-ballot-box-arson>.

89 *Id.*

90 Kevin Collier et al., *Election Day Bomb Threats Overwhelmingly Targeted Democratic-Leaning Counties*, NBC NEWS (Nov. 8, 2024), <https://www.nbcnews.com/tech/security/election-day-bomb-threats-overwhelmingly-targeted-democrat-leaning-rcna179006>.

91 Ken Dilanian, *Pam Bondi Ends FBI Effort to Combat Foreign Influence in U.S. Politics*, NBC NEWS (Feb. 6, 2025), <https://www.nbcnews.com/politics/national-security/bondi-ends-fbi-effort-combat-foreign-influence-us-politics-rcna191012>.

92 Lawrence Norden & LaTasha Hill, *How the Federal Government is Undermining Election Security*, BRENNAN CTR. FOR JUST. (Apr. 14, 2025), <https://www.brennancenter.org/our-work/research-reports/how-federal-government-undermining-election-security>.

V. POLICY RECOMMENDATIONS

Congress and the states have the power to set election rules. In advance of the 2026 and 2028 elections, lawmakers can reverse or mitigate the effects of election subversion activities. Specific policy recommendations are included here.

Provide sufficient funding for election officials to administer safe and secure elections in a political environment that is challenging our election systems. This includes funding for:

1. Public information campaigns to combat false allegations of widespread fraud and educate voters on how elections are administered. Public education helps increase transparency with voters about how election processes work and the safeguards in place to ensure that elections are accurate and secure. Public education efforts could include:
 - a. Proactively communicating with voters and managing expectations about what to expect and when.
 - b. Providing transparency into election administration and the safeguards in place to ensure elections are accurate and secure by inviting the public to election offices to see the processes for themselves.
 - c. Encouraging skeptical voters to volunteer as poll workers.
 - d. Developing a crisis communication plan to respond to potential errors or misunderstandings that arise during the election. Ensure officials have accurate information on hand that is easy to disseminate.
2. Filling the gap in federal security support, to the extent possible, by:
 - a. Increasing funding and pooling resources among states. States and localities may be able to connect patterns in suspicious activity on Election Day, like the bomb threats seen in 2024.
 - b. Communicating directly with voters about how election administration and voter list maintenance works in their state, county, or city to assure voters about the security and integrity of elections.
3. Sufficient funding for election officials to develop contingency plans for voters in the event that polling locations or drop boxes are inaccessible to voters or damaged.

Enact legislative changes protecting election officials, limiting bad-faith legal challenges, and providing clarity at key points in the post-election process.

1. Protect election officials and workers from threats of violence and harassment by imposing criminal penalties on acts that intend to intimidate or harass officials and workers.
2. Rein in bad-faith mass challenges to voter eligibility by any or a combination of the following:
 - a. Imposing, by legislation or rule, an evidentiary standard requiring challengers to demonstrate personal knowledge of another voter's ineligibility to vote. The

- b. Limiting, by legislation or rule, the ability to challenge another voter's eligibility to only those made in-person by an individual registered to vote in that county or similar subdivision.
- c. Limiting, by legislation or rule, the nature and number of questions that can be asked of a challenged voter to only those necessary for the individual to establish their eligibility to vote.
- d. Imposing, by rule or statute, a reasonable deadline on the submission of multiple challenges by a single individual prior to Election Day. It would be consistent with the NVRA to prevent last-minute voter roll purges by setting this deadline at least 90 days prior to Election Day. Alternatively, states or localities could limit the ability of individuals to formally challenge a voter's eligibility at the state level within 90 days of Election Day by routing prospective challenges through a local election officials as a referral to substantiate prior to making a formal challenge under state law.
- e. Requiring, by legislation or rule, challengers to sign an affidavit attesting to their personal knowledge of such facts supporting a challenge to voter eligibility.
- f. Imposing, by legislation, civil and/or criminal penalties on individuals that make frivolous challenges or false statements to advance a voter eligibility challenge.

Pass legislation limiting the timeframe when legal challenges to laws or rules related to mail ballots or overseas voting can be brought to mitigate the confusion accompanying last minute NVRA litigation.

Pass legislation or rules to establish or clarify that election officials' role in certification is ceremonial, and they do not have authority to refuse to certify election results.