A PLAIN-ENGLISH FACT CHECK

EVERY VOTE

How American Elections Work and What the Records Show



REGISTRATION · BALLOTS · COUNTING · CLAIMS

How Votes Are Cast, Counted and Certified, Checked Against the Record

ANDREW DOMINGUEZ

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Every Vote

How American Elections Work and What the Records Show

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Trinfinity Enterprises

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Published by Trinfinity Enterprises, Dayton, Nevada.

Information in this book stops at November 12, 2026. Laws, court cases, office holders and figures may have changed since then.

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Every fact in this book is tied to a footnote that names its source, gives a link where one exists, and shows the date the link was checked. Anything I could not confirm is marked [Not verified]. If a link has moved, the title and agency in the footnote should help you find it again.

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About This Book

Ask ten people how American elections work and you may get ten different answers, and some of those answers will come with a lot of heat. I wrote this book to give you a calmer place to start. It walks through who gets to vote and how that changed, how an election is actually run and checked, how the Electoral College works, what the rules on voter ID and mail ballots say, what fraud has really been proved, what happened in the most disputed elections in our history, and how the most common claims hold up against the records.

I am not asking you to trust me. I am asking you to look at the sources. Every fact has a footnote you can open and check yourself. Where the evidence is solid, I say so. Where it is thin, or where an investigation is still open, I say that too. Claims from every side, and from every election year, are held to the same standard.

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Introduction: How to Read This Book

The information in this book stops at November 12, 2026. Anything that happened after that date is not covered. When I describe "today," I mean that date.

You might ask, "Why another book about elections? Everyone already has an opinion." That is exactly the problem. Most of us have strong opinions about elections, but few of us have ever watched a ballot get checked, counted, audited and certified. Fewer still have read the court rulings, audit reports and sworn testimony that settle what really happened in a disputed race. This book tries to close that gap.

It is written for everyday adults. You do not need any background in law, politics or statistics. When a term or acronym comes up, I define it the first time I use it. There is also a glossary at the back.

What This Book Covers

The book has eight parts.

- **Part One** tells how the right to vote grew, from the founding to the court rulings of 2026.
- **Part Two** walks through how an election is actually run, step by step, and the checks built into each step.
- **Part Three** explains the Electoral College: why it exists, how it works, its close calls, and the arguments for keeping or changing it.
- **Part Four** covers the rules that cause the most argument today: voter identification (ID), mail and early voting, and how voter lists are kept up to date.
- **Part Five** looks at voter fraud: the kinds that have been proved, how often, how they were caught, and what the penalties were.
- **Part Six** gives one chapter to each of the most disputed presidential elections: 1876, 1960, 2000, 2004, 2016, 2020 and 2024, and follows the 2026 midterm elections as far as the record went by the cutoff.
- **Part Seven** tests the most common claims and theories, one by one, and gives each a verdict.
- **Part Eight** describes where things stand today, what the public thinks about elections, and the main reform ideas, with no recommendation from me.

At the back you will find a timeline, a glossary, a guide to looking up your own state's rules, and a full list of every source.

How the Sources Work

Every factual sentence in this book traces back to a footnote. Each footnote names the source, the agency or author, the date, a link, and the date I checked the link. If you want to check me, you can.

Not all sources are equal. I used them in this order of preference:

Tier	What it means	Examples

Tier	What it means	Examples
1. Primary and official	The record itself	The Constitution, federal and state laws, court rulings, official canvass and audit reports, Election Assistance Commission (EAC) data, sworn testimony, congressional records
2. Nonpartisan government analysis	Government researchers who work for both parties	Congressional Research Service (CRS), Government Accountability Office (GAO), Congressional Budget Office (CBO), inspectors general
3. Scholarly	Peer-reviewed research and university data	Political science journals, the Massachusetts Institute of Technology (MIT) Election Data and Science Lab, the Bipartisan Policy Center
4. Fact-checks and journalism	Reporting at the time, and fact-checkers	The Associated Press (AP), Reuters, PolitiFact, FactCheck.org. I use these mainly as pointers back to the primary record
5. Advocacy and think tanks	Groups that take a side	Used only to show what a side argues, always labeled, and balanced with a group on the other side

I did not use social media posts, chain emails, forums, video channels or computer-generated web pages as evidence. When I mention one, it is only to show that a claim was being spread, and when.

A word about lawsuits. A lawsuit being filed is not evidence of anything. Anyone can file a lawsuit. What matters is what the court decided and why, so that is what I report.

Facts, Interpretations and Unknowns

I keep three kinds of statements apart:

- **Confirmed facts.** These are backed by a primary or official source, such as a vote count, a court ruling or the text of a law.
- **Interpretations.** These are someone's reading of the facts. When I give one, I say whose it is and cite where they said it.
- **Unknowns.** Some things are not settled. When the evidence runs out, I say so plainly.

If I could not find a source for something, I did not guess. You will see the tag "[Not verified]" and a note about what I searched.

The Four Verdicts

Part Seven, and the chapters on disputed elections, test claims people make about elections. Each claim gets exactly one of four verdicts:

Verdict	What it means
True	Primary sources confirm the claim as it is usually stated.
Partly true	There is a real fact underneath, but the usual version leaves out or twists something important. I say exactly which part is true.
False (debunked)	Primary sources contradict the claim.
Inconclusive	The evidence is not enough to say either way, or an investigation is still open. I say what would settle it.

I did not decide any verdict before checking the sources. I also tested claims made by people on every side of politics, from every election year, with the same care. Elections are the most heated subject I have written about. If a verdict seems harsh to one side, look at the claim right next to it. You will usually find a claim from the other side held to the same standard.

Where I Stand

I do not tell you how to vote or which reforms to support. Where people disagree about what the evidence means, I present each side's strongest case in its own words and let you weigh it. Where the evidence is clear, I say so, whichever side that helps.

One last point. Elections in the United States are run by states, and in most states by counties or towns. Rules differ from place to place and change often. This book is general information, not legal advice. Before you rely on a rule, check it with your state or local election office. Appendix C shows you how.

Part One: Who Gets to Vote

The Constitution of 1787 did not give anyone a right to vote. It left the question of who could vote almost entirely to the states. Over the next two centuries, through constitutional amendments, federal laws and court rulings, the country slowly widened the circle. It was not a straight line. Rights were won, lost and won again.

Part One tells that story in four chapters. Chapter 1 covers the founding era. Chapter 2 follows the long fight over voting by Black Americans, from the 15th Amendment to the Voting Rights Act of 1965. Chapter 3 covers women, Native Americans, young people and others. Chapter 4 covers what has happened since 1965, up to the Supreme Court's 2026 ruling in Louisiana v. Callais.

Chapter 1: Who Could Vote at the Founding

You might ask, "Did the Constitution say who could vote?" Not really. That surprises most people. The original Constitution says a great deal about how federal offices are filled, but almost nothing about who gets to cast a ballot.

What the Constitution Said

The Constitution handled voting for the House of Representatives in one sentence. Voters for the House in each state "shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."[1] In plain words: whoever a state lets vote for its own larger legislative chamber may also vote for Congress. The states set the rules.

The Constitution also gave state legislatures the first say over how elections are held. The "Times, Places and Manner of holding Elections for Senators and Representatives" are set by each state legislature, though Congress "may at any time by Law make or alter such Regulations."[2] Lawyers call this the Elections Clause. You will see it again in later chapters, because it is the main source of federal power over how congressional elections are run.

Voters did not choose senators directly at first. The Constitution said senators would be "chosen by the Legislature" of each state.[3] That changed only with the 17th Amendment, which gave voters the power to elect senators directly.[4]

For president, the Constitution said each state would appoint electors "in such Manner as the Legislature thereof may direct."[5] It did not require a popular vote for president at all. Part Three explains how the Electoral College grew from that one sentence.

So the founders built a national government but left the voter rolls to the states. That choice shaped the next two hundred years. Almost every expansion of the vote since then has been an effort, by amendment or by federal law, to stop states from shutting certain people out.

A few more lines of Article I shaped elections from the start. The House was to be "chosen every second Year by the People of the several States," which made it the only part of the new national

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[1] National Archives, "The Constitution of the United States: A Transcription", Article I, Section 2. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[2] National Archives, "The Constitution of the United States: A Transcription", Article I, Section 4. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[3] National Archives, "The Constitution of the United States: A Transcription", Article I, Section 3. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[4] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XVII. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[5] National Archives, "The Constitution of the United States: A Transcription", Article II, Section 1. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

government that voters picked directly.[6] A member of the House had to be at least 25 years old and a citizen for seven years, and a senator at least 30 and a citizen for nine years.[7]

The Constitution also left each chamber in charge of its own disputed races. "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members," Article I says.[8] In plain words, if a House or Senate race is contested, that chamber has the final say on who is seated.

Property, Taxes and Race

In the early republic, most states tied voting to owning property or paying taxes. The idea, common at the time, was that people with a stake in the community should decide its affairs. After independence, state constitutions "increasingly removed property qualifications," and "by the mid-nineteenth century, most states no longer required voters to own property."[9]

That widening for white men did not reach everyone. Women were shut out almost everywhere. Free Black men could vote in some states in the early years. But when legislatures repealed property requirements, "they usually created new racial limits for voting," and many restricted the vote to white men.[10]

A Short-Lived Exception: New Jersey

New Jersey offers one of the most striking early examples. Its 1776 constitution gave the vote to "all inhabitants" who met a property and residence test. Under that wording, some unmarried women and free Black residents who owned enough property voted. In 1807, the state "restricted suffrage (voting rights) to tax-paying, white male citizens," a law that took the vote away from both women and Black residents.[11]

New Jersey's story matters because it shows that the right to vote can move backward as well as forward. That pattern repeats in Chapter 2.

How People Actually Voted: From Voice Votes to the Secret Ballot

You might ask, "Did early Americans at least vote in private?" They did not. According to the Congressional Research Service (CRS), "Voting in the United States used to be a public process,"

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[6] National Archives, "The Constitution of the United States: A Transcription", Article I, Section 2. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[7] National Archives, "The Constitution of the United States: A Transcription", Article I, Sections 2 and 3. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[8] National Archives, "The Constitution of the United States: A Transcription", Article I, Section 5. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[9] Colonial Williamsburg Foundation, "Who Voted in Early America?". https://colonialwilliamsburg.org/discover/civics/who-voted-in-early-america (accessed November 12, 2026).

[10] Colonial Williamsburg Foundation, "Who Voted in Early America?". https://colonialwilliamsburg.org/discover/civics/who-voted-in-early-america (accessed November 12, 2026).

[11] National Park Service, "Did You Know: Women and African Americans Could Vote in NJ before the 15th and 19th Amendments?" (last updated July 3, 2018). https://www.nps.gov/articles/voting-rights-in-nj-before-the-15th-and-19th.htm (accessed November 12, 2026).

and voters "often indicated their preferences by verbally announcing them, for example, or raising their hands."[12]

This spoken method was called viva voce, Latin for "with the living voice." A voter stepped up in front of the election officials and the crowd, swore he was eligible, and called out his choices, while a clerk wrote his name and his votes in a poll book that became a public record.[13]

Oral voting faded slowly. By the 1860 presidential election, "nearly 10 percent of the votes cast in that election were still by voice," according to the National Endowment for the Humanities.[14] A University of Virginia history project reports that Oregon moved away from oral voting in 1872, "leaving Kentucky as the only American practitioner" of the old system.[15]

Paper ballots did not bring privacy right away. CRS explains that the most common ballot was "a political party-provided ticket," and that the tickets "were typically readily distinguishable from each other, such as by color, and handed to election officials in public view."[16] That made it easy for a vote buyer to check that a voter did what he was paid to do, and hard for a voter to hide his choice from an employer or a bully.[17]

The fix was what Americans called the Australian ballot. Under it, the government printed one ballot listing every qualified candidate, and voters marked it alone in a booth.[18] "Louisville, KY, and the State of Massachusetts were the first to adopt it, in 1888," CRS writes, and "Thirty-eight states had implemented it by the end of the 19th century, and all had it in place by the middle of the 20th century."[19]

The secret ballot was not adopted for one reason only. CRS notes that reformers wanted to curb vote buying and coercion, but also that "Some White southerners saw it as a way to

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[12] Karen L. Shanton and Tyler L. Wolanin, "Election Policy Fundamentals: The Secret Ballot," Congressional Research Service Insight IN12389, July 5, 2024. https://www.everycrsreport.com/reports/IN12389.html (accessed November 12, 2026).

[13] Paula Wasley, "Back When Everyone Knew How You Voted," Humanities (National Endowment for the Humanities), Fall 2016. https://www.neh.gov/humanities/2016/fall/feature/back-when-everyone-knew-how-you-voted (accessed November 12, 2026).

[14] Paula Wasley, "Back When Everyone Knew How You Voted," Humanities (National Endowment for the Humanities), Fall 2016. https://www.neh.gov/humanities/2016/fall/feature/back-when-everyone-knew-how-you-voted (accessed November 12, 2026).

[15] Voting Viva Voce project, University of Virginia, "Viva Voce Voting," First Vote. https://firstvote.iath.virginia.edu/viva_voce_voting.php (accessed November 12, 2026).

[16] Karen L. Shanton and Tyler L. Wolanin, "Election Policy Fundamentals: The Secret Ballot," Congressional Research Service Insight IN12389, July 5, 2024. https://www.everycrsreport.com/reports/IN12389.html (accessed November 12, 2026).

[17] Karen L. Shanton and Tyler L. Wolanin, "Election Policy Fundamentals: The Secret Ballot," Congressional Research Service Insight IN12389, July 5, 2024. https://www.everycrsreport.com/reports/IN12389.html (accessed November 12, 2026).

[18] Karen L. Shanton and Tyler L. Wolanin, "Election Policy Fundamentals: The Secret Ballot," Congressional Research Service Insight IN12389, July 5, 2024. https://www.everycrsreport.com/reports/IN12389.html (accessed November 12, 2026).

[19] Karen L. Shanton and Tyler L. Wolanin, "Election Policy Fundamentals: The Secret Ballot," Congressional Research Service Insight IN12389, July 5, 2024. https://www.everycrsreport.com/reports/IN12389.html (accessed November 12, 2026).

disenfranchise Black voters."[20] A printed ballot with no party symbols was hard to use for a voter who could not read, which the National Endowment for the Humanities describes as making literacy "a de facto requirement of voting."[21] So even a reform we now take for granted had a darker side, which Chapter 2 picks up.

The Civil War Amendments

The Civil War changed the Constitution. Three amendments, passed between 1865 and 1870, are often called the Reconstruction Amendments. The 13th ended slavery. The 14th made all persons born or naturalized in the United States citizens and promised them equal protection of the laws.[22]

The 14th Amendment also mentioned voting, in an unusual way. Its Section 2 said that if a state denied the vote to adult male citizens, its number of seats in the House would be reduced in proportion.[23] That was a penalty, not a ban.

The 15th Amendment went further. Passed by Congress on February 26, 1869, and ratified February 3, 1870, it says the right of citizens to vote "shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."[24] For the first time, the Constitution put a limit on who states could keep from voting.

Chapter 2 picks up the story there, because the promise of the 15th Amendment took almost a century to keep.

Senators Elected by the People: The 17th Amendment

For more than a century, voters did not elect their U.S. senators. State legislatures did. The 17th Amendment changed that. It was "Passed by Congress on May 13, 1912, and ratified on April 8, 1913," according to the National Archives.[25]

Why did people want the change? The National Archives describes two problems. Some legislatures "deadlocked over the election of a senator when different parties controlled different houses," so seats could sit empty for "months or years." In other states, political machines or

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[20] Karen L. Shanton and Tyler L. Wolanin, "Election Policy Fundamentals: The Secret Ballot," Congressional Research Service Insight IN12389, July 5, 2024. https://www.everycrsreport.com/reports/IN12389.html (accessed November 12, 2026).

[21] Paula Wasley, "Back When Everyone Knew How You Voted," Humanities (National Endowment for the Humanities), Fall 2016. https://www.neh.gov/humanities/2016/fall/feature/back-when-everyone-knew-how-you-voted (accessed November 12, 2026).

[22] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendments XIII and XIV. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[23] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XIV, Section 2. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[24] National Archives, "15th Amendment to the U.S. Constitution: Voting Rights (1870)," Milestone Documents, page last reviewed May 16, 2024. https://www.archives.gov/milestone-documents/15th-amendment (accessed November 12, 2026).

[25] National Archives, "17th Amendment to the U.S. Constitution: Direct Election of U.S. Senators (1913)," Milestone Documents. https://www.archives.gov/milestone-documents/17th-amendment (accessed November 12, 2026).

special interests controlled the legislature, and reformers called the Senate a "millionaires' club."[26]

Race shaped the debate too. House versions passed in 1910 and 1911 included a "race rider" that would have barred federal action against racial discrimination among voters. Senator Joseph L. Bristow of Kansas offered a version without it, and that is the one that became the 17th Amendment.[27] The final text says senators are "elected by the people thereof," and that voters for the Senate need the same qualifications as voters for the larger house of the state legislature.[28]

What to Take From This Chapter

- The original Constitution let each state decide who could vote. It set no national right to vote.
- States first tied voting to property or taxes, then dropped those rules for white men during the first half of the 1800s.
- Rights could move backward. New Jersey let some women and free Black residents vote and then took it away in 1807.
- The 15th Amendment of 1870 was the first national rule barring states from denying the vote because of race.

[26] National Archives, "17th Amendment to the U.S. Constitution: Direct Election of U.S. Senators (1913)," Milestone Documents. https://www.archives.gov/milestone-documents/17th-amendment (accessed November 12, 2026).

[27] National Archives, "17th Amendment to the U.S. Constitution: Direct Election of U.S. Senators (1913)," Milestone Documents. https://www.archives.gov/milestone-documents/17th-amendment (accessed November 12, 2026).

[28] National Archives, "17th Amendment to the U.S. Constitution: Direct Election of U.S. Senators (1913)," Milestone Documents. https://www.archives.gov/milestone-documents/17th-amendment (accessed November 12, 2026).

Chapter 2: The Long Fight for Black Voting Rights

The 15th Amendment did not end the struggle over Black voting. For about a hundred years after it was ratified, many states, mostly in the South, used one device after another to keep Black citizens from voting while keeping their laws race-neutral on paper. This chapter walks through those devices and how each one was finally taken apart.

Reconstruction and Its Reversal

In the years right after the Civil War, Black men voted in large numbers in the South and were elected to state legislatures and to Congress. Hiram Revels of Mississippi became the first Black member of the U.S. Senate in 1870.[29] That period, known as Reconstruction, ended in the late 1870s. Chapter 14 explains the disputed election of 1876, after which the last federal troops were withdrawn from the South.

As Reconstruction ended, Southern states rewrote their election laws. They could not name race directly, because the 15th Amendment forbade it. So they used tools that looked neutral but were designed and applied to keep Black voters out:

- **Poll taxes.** A fee to vote, which kept poorer voters away from the polls.[30]
- **Literacy tests.** A voter had to read or explain a passage, often from the state constitution. Local officials decided who passed, and they had wide room to pass white applicants and fail Black ones.[31]
- **Grandfather clauses.** These excused a voter from the literacy test if his ancestors could vote before a certain date. Since Black men could not vote before the 15th Amendment, the clause helped only white men.[32]
- **White primaries.** In much of the South, the Democratic Party primary was the only election that really mattered. Parties claimed to be private clubs and barred Black voters from their primaries.[33]

Federal Laws to Protect the Vote, 1867 to 1876

Congress acted first, even before the 15th Amendment. The first Reconstruction Act, enacted March 2, 1867, split ten former Confederate states into five military districts and required each to write a new constitution that extended the vote to Black men before it could return to

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[29] U.S. Senate, "Hiram Revels: A Featured Biography". https://www.senate.gov/senators/FeaturedBios/Featured_Bio_Revels.htm (accessed November 12, 2026).

[30] Harper v. Virginia Board of Elections, 383 U.S. 663 (1966), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/383/663 (accessed November 12, 2026).

[31] South Carolina v. Katzenbach, 383 U.S. 301 (1966), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/383/301 (accessed November 12, 2026).

[32] Guinn v. United States, 238 U.S. 347 (1915), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/238/347 (accessed November 12, 2026).

[33] Smith v. Allwright, 321 U.S. 649 (1944), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/321/649 (accessed November 12, 2026).

Congress.[34] Army commanders registered voters, and CRS reports that "703,000 freedmen and 627,000 whites registered to vote."[35]

The results showed up in office quickly. Joseph H. Rainey of South Carolina was sworn in as the first Black member of the House on December 12, 1870, after winning a special election, which made him "the first popularly elected Black Member of Congress."[36] Citing a directory of Reconstruction officeholders, CRS counts hundreds of Black officials elected in Southern states, including 316 in South Carolina, 226 in Mississippi and 210 in Louisiana.[37]

Congress then passed laws to enforce the new amendment. The Justice Department's history says the Enforcement Act of 1870 "contained criminal penalties for interference with the right to vote," and the Force Act of 1871 "provided for federal election oversight."[38]

The Supreme Court soon cut those laws back. In United States v. Reese, a Kentucky case decided in 1876, the Court wrote that "The Fifteenth Amendment does not confer the right of suffrage upon any one," only a ban on racial preference. It held that the sections of the 1870 law used in the indictment were written too broadly, so "Congress has not as yet provided by 'appropriate legislation' for the punishment of the offence charged."[39] The Justice Department says two 1876 decisions narrowed the enforcement laws and, together with the end of Reconstruction, created "a climate in which violence could be used to depress black voter turnout."[40]

The House Historian's office calls the 44th Congress (1875 to 1877) "the high-water mark for Black representation." In all, 20 Black representatives and two Black senators served between

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[34] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 4. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[35] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 4. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[36] Office of the Historian, U.S. House of Representatives, "'The Fifteenth Amendment in Flesh and Blood': 1870-1901," Black Americans in Congress. https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Fifteenth-Amendment/Introduction/ (accessed November 12, 2026).

[37] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 5. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[38] U.S. Department of Justice, Civil Rights Division, "Introduction To Federal Voting Rights Laws: Before the Voting Rights Act," updated August 16, 2018. https://www.justice.gov/crt/introduction-federal-voting-rights-laws (accessed November 12, 2026).

[39] United States v. Reese, 92 U.S. 214 (1876), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/92/214 (accessed November 12, 2026).

[40] U.S. Department of Justice, Civil Rights Division, "Introduction To Federal Voting Rights Laws: Before the Voting Rights Act," updated August 16, 2018. https://www.justice.gov/crt/introduction-federal-voting-rights-laws (accessed November 12, 2026).

1870 and 1901, and after George Henry White of North Carolina left in 1901, "No African-American lawmaker would be elected to Congress until 1928."[41]

The Mississippi Plan of 1890

Mississippi showed other states how to shut Black voters out without naming race. CRS says the state's 1890 constitutional convention "served more or less as a model for other states seeking to circumvent the war amendments and legally disfranchise the negro," quoting historian Kirk Harold Porter's history of American suffrage.[42] The convention adopted a $2 poll tax (nominal 1890 dollars) for citizens ages 21 to 60, with the receipt required at the polls, along with a list of disqualifying crimes and a test that could require a voter to read or interpret any section of the state constitution.[43]

Other states followed. South Carolina held a convention in 1895, and Louisiana added a grandfather clause in 1898.[44] The numbers that followed were stark. CRS reports that in Alabama in 1900, "of the 181,471 black males of voting age," 3,000 were registered, and that in Louisiana, Black registration fell from 130,344 in 1896 to 5,320 in 1900.[45] The Justice Department sums up the result: by 1910, in the former Confederate states, "nearly all black citizens were disenfranchised."[46]

What the Courts Said at First

Early Supreme Court rulings let many of these tools stand. In Williams v. Mississippi, decided April 25, 1898, the Court upheld Mississippi's voting and jury rules. It said the provisions "do not on their face discriminate between the races" and that the record did not show they had been

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[41] Office of the Historian, U.S. House of Representatives, "'The Fifteenth Amendment in Flesh and Blood': 1870-1901," Black Americans in Congress. https://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Fifteenth-Amendment/Introduction/ (accessed November 12, 2026).

[42] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 8. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[43] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 8. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[44] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 8. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[45] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, pp. 9-10. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[46] U.S. Department of Justice, Civil Rights Division, "Introduction To Federal Voting Rights Laws: Before the Voting Rights Act," updated August 16, 2018. https://www.justice.gov/crt/introduction-federal-voting-rights-laws (accessed November 12, 2026).

applied unfairly.[47] That reasoning, which looked only at the words on the page, gave states room to keep Black voters out in practice.

The Court did strike down the grandfather clause. In Guinn v. United States, decided June 21, 1915, it held that Oklahoma's standard, which tied the literacy exemption to whether a person's ancestors could vote in 1866, violated the 15th Amendment.[48]

The white primary lasted longer. In Smith v. Allwright, decided April 3, 1944, the Court held that the Texas Democratic Party's exclusion of Black voters from its primary was state action covered by the 15th Amendment. It overruled its own earlier decision, writing: "Grovey v. Townsend is overruled."[49]

Poll Taxes End

The poll tax was ended in two steps. The 24th Amendment, passed by Congress on August 27, 1962, and ratified January 23, 1964, barred poll taxes in federal elections. It says the right to vote for president, vice president and Congress "shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax."[50]

That left poll taxes in state elections. In Harper v. Virginia Board of Elections, decided March 24, 1966, the Supreme Court held that a poll tax in state elections violates the Equal Protection Clause of the 14th Amendment.[51] The Court said a state violates that clause "whenever it makes the affluence of the voter or payment of any fee an electoral standard."[52]

The Civil Rights Acts of 1957, 1960 and 1964

Before 1965, Congress tried smaller steps. According to the Justice Department, the 1957 Civil Rights Act "created the Civil Rights Division within the Department of Justice and the Commission on Civil Rights," and let the Attorney General sue to stop violations of the 15th Amendment.[53] The 1960 act let federal courts "appoint voting referees to conduct voter

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[47] Williams v. Mississippi, 170 U.S. 213 (1898), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/170/213 (accessed November 12, 2026).

[48] Guinn v. United States, 238 U.S. 347 (1915), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/238/347 (accessed November 12, 2026).

[49] Smith v. Allwright, 321 U.S. 649 (1944), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/321/649 (accessed November 12, 2026).

[50] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XXIV. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[51] Harper v. Virginia Board of Elections, 383 U.S. 663 (1966), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/383/663 (accessed November 12, 2026).

[52] Harper v. Virginia Board of Elections, 383 U.S. 663 (1966), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/383/663 (accessed November 12, 2026).

[53] U.S. Department of Justice, Civil Rights Division, "Introduction To Federal Voting Rights Laws: Before the Voting Rights Act," updated August 16, 2018. https://www.justice.gov/crt/introduction-federal-voting-rights-laws (accessed November 12, 2026).

registration following a judicial finding of voting discrimination," and the 1964 act "contained several relatively minor voting-related provisions."[54]

These laws depended on lawsuits, one place at a time. The Justice Department's own verdict is that this approach "proved to be of very limited success" where it sued and "did not prompt voluntary compliance" anywhere else.[55] CRS quotes Attorney General Nicholas Katzenbach saying the earlier laws "had only minimal effect."[56]

Some states also redrew lines to blunt Black voting. In Gomillion v. Lightfoot (1960), the Supreme Court struck down an Alabama law that redrew the city limits of Tuskegee to remove "all but a handful of the city's black registered voters," holding that it violated the 15th Amendment.[57]

The table below shows how slowly registration moved before 1965 and how quickly it jumped after. These are estimates CRS reprinted from a 1972 study, so treat them as approximate.[58]

Percentage of voting-age Black residents registered to vote, selected Southern states, 1947 to 1966 (historical estimates)

State	1947	1956	1966
Alabama	1.2%	11%	51.2%
Georgia	18.8%	27%	47.2%
Louisiana	2.6%	31%	47.1%
Mississippi	0.9%	5%	32.9%
South Carolina	13%	27%	51.4%
Tennessee	25.8%	27%	71.7%
Texas	18.5%	37%	61.6%
Virginia	13.2%	19%	46.9%

[54] U.S. Department of Justice, Civil Rights Division, "Introduction To Federal Voting Rights Laws: Before the Voting Rights Act," updated August 16, 2018. https://www.justice.gov/crt/introduction-federal-voting-rights-laws (accessed November 12, 2026).

[55] U.S. Department of Justice, Civil Rights Division, "Introduction To Federal Voting Rights Laws: Before the Voting Rights Act," updated August 16, 2018. https://www.justice.gov/crt/introduction-federal-voting-rights-laws (accessed November 12, 2026).

[56] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 12. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[57] U.S. Department of Justice, Civil Rights Division, "Introduction To Federal Voting Rights Laws: Before the Voting Rights Act," updated August 16, 2018. https://www.justice.gov/crt/introduction-federal-voting-rights-laws (accessed November 12, 2026).

[58] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, Table 3, pp. 12-13. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

Source: CRS Report R43626, Table 3, which credits Hanes Walton, Jr., Black Politics (1972).[59]

Bloody Sunday, March 7, 1965

The march that changed the law began with a death. On February 18, 1965, state troopers and police met a night march in Marion, Alabama, with violence. The Park Service says youth leader Jimmie Lee Jackson "was killed as he sought to protect his mother and grandfather from attack"; he died seven days later.[60] Organizers planned a 54-mile march from Selma to the state capitol in Montgomery. The National Park Service notes that at the time, "only 2% percent of the African-American population of Dallas County," where Selma sits, was able to vote.[61]

On Sunday, March 7, about 300 people led by Hosea Williams, John Lewis, Albert Turner and Bob Mants left Brown Chapel A.M.E. Church, and their number had grown to about 600 by the time they crossed the Edmund Pettus Bridge.[62] Major John Cloud of the state troopers ordered them to disperse. Then tear gas canisters were thrown into the crowd, and troopers and men on horseback attacked the marchers with clubs. The Park Service says "hundreds of non-violent protestors were injured," and the attack, "Captured on film and broadcast across the nation," turned public opinion.[63] The Justice Department says the attack "persuaded the President and Congress to overcome Southern legislators' resistance to effective voting rights legislation."[64]

Two days later, Martin Luther King Jr. led a march to the bridge that turned back, and that evening white attackers beat the Reverend James Reeb, who died on March 11.[65] Federal Judge Frank M. Johnson Jr. then allowed a full march. On March 21, about 3,200 marchers set out, and by the time they reached the capitol on March 25 they were "25,000-strong."[66]

Selma and the Voting Rights Act of 1965

By the early 1960s, Congress had passed civil rights laws that tried to protect voting through lawsuits, one county at a time. The Supreme Court later described that case-by-case approach as

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[59] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, Table 3, pp. 12-13. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[60] National Park Service, Selma to Montgomery National Historic Trail, "Bloody Sunday." https://www.nps.gov/semo/learn/historyculture/bloody-sunday.htm (accessed November 12, 2026).

[61] National Park Service, "Selma to Montgomery March." https://www.nps.gov/articles/selmatomongtomerymarch.htm (accessed November 12, 2026).

[62] National Park Service, Selma to Montgomery National Historic Trail, "Bloody Sunday." https://www.nps.gov/semo/learn/historyculture/bloody-sunday.htm (accessed November 12, 2026).

[63] National Park Service, Selma to Montgomery National Historic Trail, "Bloody Sunday." https://www.nps.gov/semo/learn/historyculture/bloody-sunday.htm (accessed November 12, 2026).

[64] U.S. Department of Justice, Civil Rights Division, "History of Federal Voting Rights Laws," updated July 28, 2017. https://www.justice.gov/crt/history-federal-voting-rights-laws (accessed November 12, 2026).

[65] National Park Service, "Selma to Montgomery March." https://www.nps.gov/articles/selmatomongtomerymarch.htm (accessed November 12, 2026).

[66] National Park Service, "Selma to Montgomery March." https://www.nps.gov/articles/selmatomongtomerymarch.htm (accessed November 12, 2026).

slow and largely unsuccessful.[67] In 1965, marches for voting rights in Selma, Alabama, drew national attention. Congress later created the Selma to Montgomery National Historic Trail to mark "the 1965 Voting Rights March in Alabama."[68]

In the Senate, supporters had to break a filibuster. On May 25, 1965, the Senate voted 70 to 30 to end debate, and the next day the bill passed 77 to 19.[69] President Lyndon Johnson signed the Voting Rights Act on August 6, 1965.[70]

The Voting Rights Act (VRA) did several things at once:[71]

- **Section 2** set a nationwide ban on voting practices that deny or abridge the right to vote on account of race or color.
- **Literacy tests** were outlawed as a condition of voting in the places the law covered, and Congress later banned them nationwide, a ban the Supreme Court upheld in 1970.[72]
- **Federal examiners** could be sent to register voters directly.
- **Section 5**, called preclearance, required certain states and counties with a history of discrimination to get approval from the U.S. Attorney General or a federal court in Washington, D.C., before changing any voting rule.
- **Section 4(b)** was the formula that decided which places were covered by preclearance.

The effect was quick. According to the National Archives, by the end of 1965 "a quarter of a million new Black voters had been registered, one-third by federal examiners," and by the end of 1966, "only four out of 13 southern states had fewer than 50 percent of African Americans registered to vote."[73]

After the House and Senate passed different versions, both chambers approved the final bill in early August. CRS reports that the House voted 328 to 74 to adopt the conference report on August 3, and the Senate voted 79 to 18 on August 4.[74]

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[67] South Carolina v. Katzenbach, 383 U.S. 301 (1966), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/383/301 (accessed November 12, 2026).

[68] National Park Service, "Selma to Montgomery National Historic Trail," last updated March 17, 2026. https://www.nps.gov/semo/ (accessed November 12, 2026).

[69] U.S. Senate Historical Office, "The Senate Passes the Voting Rights Act". https://www.senate.gov/artandhistory/history/minute/Senate_Passes_Voting_Rights_Act.htm (accessed November 12, 2026).

[70] National Archives, "Voting Rights Act (1965)," Milestone Documents, page last reviewed February 8, 2022. https://www.archives.gov/milestone-documents/voting-rights-act (accessed November 12, 2026).

[71] National Archives, "Voting Rights Act (1965)," Milestone Documents, page last reviewed February 8, 2022. https://www.archives.gov/milestone-documents/voting-rights-act (accessed November 12, 2026). U.S. Department of Justice, Civil Rights Division, "History of Federal Voting Rights Laws," updated July 28, 2017. https://www.justice.gov/crt/history-federal-voting-rights-laws (accessed November 12, 2026).

[72] Oregon v. Mitchell, 400 U.S. 112 (1970), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/400/112 (accessed November 12, 2026).

[73] National Archives, "Voting Rights Act (1965)," Milestone Documents, page last reviewed February 8, 2022. https://www.archives.gov/milestone-documents/voting-rights-act (accessed November 12, 2026).

[74] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 12. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

The gains kept coming after 1966. CRS reports that "Nearly a million black voters were registered within four years of passage," and that the number of Black elected officials in the South "more than doubled, from 72 to 159, after the 1966 elections."[75]

The Court Upholds the Act

South Carolina challenged the law right away. In South Carolina v. Katzenbach, decided March 7, 1966, the Supreme Court upheld the key parts of the act. Chief Justice Earl Warren wrote that "Congress may use any rational means to effectuate the constitutional prohibition of racial discrimination in voting."[76]

What to Take From This Chapter

- After Reconstruction, many states kept Black citizens from voting with poll taxes, literacy tests, grandfather clauses and white primaries.
- The courts struck down the grandfather clause in 1915 and the white primary in 1944.
- The 24th Amendment (1964) and Harper v. Virginia (1966) ended poll taxes.
- The Voting Rights Act of 1965 banned racial discrimination in voting nationwide and required covered places to get federal approval before changing voting rules. Registration in the South rose quickly.

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[75] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 12. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[76] South Carolina v. Katzenbach, 383 U.S. 301 (1966), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/383/301 (accessed November 12, 2026).

Chapter 3: Women, Native Americans, Young Voters and Others

The fight over Black voting was the longest and hardest, but it was not the only one. This chapter covers how women, Native Americans, residents of the District of Columbia, young adults and voters who speak other languages came to be included.

Women's Suffrage

The organized movement for women's voting rights is usually dated to the convention held in Seneca Falls, New York, on July 19 and 20, 1848.[77] Its Declaration of Sentiments listed grievances against the laws of the day. One of them was that man "has never permitted her to exercise her inalienable right to the elective franchise," meaning the vote.[78]

Change came first in the West. Wyoming Territory gave women the vote in 1869, and several Western states followed before women won the vote nationally.[79]

The 19th Amendment was passed by Congress on June 4, 1919, and ratified August 18, 1920.[80] It says the right of citizens to vote "shall not be denied or abridged by the United States or by any State on account of sex."[81]

The 19th Amendment did not help every woman equally. Black women in the South faced the same poll taxes, literacy tests and white primaries described in Chapter 2. For them, the Voting Rights Act of 1965 mattered as much as 1920 did.

The Western States Go First

The West led for a long time. Women in Wyoming Territory won the vote on December 10, 1869, and Utah Territory followed on February 12, 1870, with Utah women voting in a Salt Lake City election two days later.[82] The right was not always secure. Congress took the vote from all Utah

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[77] National Park Service, Women's Rights National Historical Park, "The First Women's Rights Convention," last updated February 6, 2023. https://www.nps.gov/wori/learn/historyculture/the-first-womens-rights-convention.htm (accessed November 12, 2026).

[78] National Park Service, Women's Rights National Historical Park, "Declaration of Sentiments," last updated February 7, 2023. https://www.nps.gov/wori/learn/historyculture/declaration-of-sentiments.htm (accessed November 12, 2026).

[79] National Park Service, "Woman Suffrage in the West". https://www.nps.gov/articles/woman-suffrage-in-the-west.htm (accessed November 12, 2026).

[80] National Archives, "19th Amendment to the U.S. Constitution: Women's Right to Vote (1920)," Milestone Documents, page last reviewed February 8, 2022. https://www.archives.gov/milestone-documents/19th-amendment (accessed November 12, 2026).

[81] National Archives, "19th Amendment to the U.S. Constitution: Women's Right to Vote (1920)," Milestone Documents, page last reviewed February 8, 2022. https://www.archives.gov/milestone-documents/19th-amendment (accessed November 12, 2026).

[82] National Park Service, "Woman Suffrage in the West". https://www.nps.gov/articles/woman-suffrage-in-the-west.htm (accessed November 12, 2026).

women with the Edmunds-Tucker Act of 1887, and they won it back only when Utah became a state in 1896.[83]

Wyoming entered the Union in 1890 with woman suffrage intact, the first state to guarantee it. Colorado passed it by statewide referendum in 1893 with 55 percent of the vote, and Idaho followed in 1896.[84] Then came a second wave: Washington in 1910, California in 1911 with just 50.7 percent of the vote, Oregon, Arizona and Alaska Territory in 1912, and Montana and Nevada in 1914.[85]

Nevada's story shows how long these fights could take. Its legislature approved a suffrage amendment in 1869, but the measure failed its required second passage in 1871, and, as the Park Service puts it, "Nevada's women would wait until 1914 to vote."[86] New Mexico, whose 1910 constitution made voting rules very hard to amend, was the one continental Western state that did not grant full suffrage before the 19th Amendment; it ratified that amendment in February 1920.[87]

Ratification Comes Down to Tennessee

The amendment had been waiting a long time. It was first introduced in Congress in 1878, and by 1912 "nine western states adopted woman suffrage legislation."[88]

The House passed it on May 21, 1919, and the Senate two weeks later. Ratification needed three-fourths of the states. Tennessee became the 36th on August 18, 1920, and Secretary of State Bainbridge Colby certified the ratification on August 26, 1920.[89]

Native Americans

Many Native Americans were not U.S. citizens until Congress passed the Indian Citizenship Act on June 2, 1924. The law "extended citizenship to the approximately 125,000 Native Americans" who were not yet recognized as citizens, but, as the National Archives notes, "the right to vote was slow to arrive" in some states.[90] Citizenship did not end the barriers. New Mexico's

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[83] National Park Service, "Woman Suffrage in the West". https://www.nps.gov/articles/woman-suffrage-in-the-west.htm (accessed November 12, 2026).

[84] National Park Service, "Woman Suffrage in the West". https://www.nps.gov/articles/woman-suffrage-in-the-west.htm (accessed November 12, 2026).

[85] National Park Service, "Woman Suffrage in the West". https://www.nps.gov/articles/woman-suffrage-in-the-west.htm (accessed November 12, 2026).

[86] National Park Service, "Woman Suffrage in the West". https://www.nps.gov/articles/woman-suffrage-in-the-west.htm (accessed November 12, 2026).

[87] National Park Service, "Woman Suffrage in the West". https://www.nps.gov/articles/woman-suffrage-in-the-west.htm (accessed November 12, 2026).

[88] National Archives, "19th Amendment to the U.S. Constitution: Women's Right to Vote (1920)," Milestone Documents, page last reviewed February 8, 2022. https://www.archives.gov/milestone-documents/19th-amendment (accessed November 12, 2026).

[89] National Archives, "19th Amendment to the U.S. Constitution: Women's Right to Vote (1920)," Milestone Documents, page last reviewed February 8, 2022. https://www.archives.gov/milestone-documents/19th-amendment (accessed November 12, 2026).

[90] National Archives, DocsTeach, "Indian Citizenship Act" (Act of June 2, 1924, Public Law 68-175). https://docsteach.org/documents/document/indian-citizenship-act (accessed November 12, 2026).

constitution barred "Indians not taxed" from voting. On August 3, 1948, a special three-judge federal court in Santa Fe ruled in Trujillo v. Garley that New Mexico had discriminated against Native American voters. The plaintiff, Miguel Trujillo, was a veteran.[91] Native Americans in Arizona fought a similar battle in the same period, as the next paragraph explains.

Here is what happened in Arizona. In 1948, two members of the Mohave-Apache Indian Tribe living on the Fort McDowell Indian Reservation, Frank Harrison and Harry Austin, tried to register in Maricopa County. The county recorder, Roger G. Laveen, refused, relying on a 1928 Arizona Supreme Court ruling that treated Native Americans as "persons under guardianship" barred from voting by the state constitution.[92]

On July 15, 1948, the Arizona Supreme Court ruled for them. It held that "persons under guardianship" meant a guardianship set up by a court for an individual, and that the phrase "has no application to the plaintiffs or to the Federal status of Indians in Arizona as a class." The court expressly overruled its 1928 decision in Porter v. Hall to the extent it conflicted.[93] The same opinion pointed out that Arizona's literacy test, which required reading the U.S. Constitution in English, still applied to every applicant, so winning the case did not remove every barrier.[94] Literacy tests were later banned nationwide, as Chapter 4 explains.

The District of Columbia

Residents of Washington, D.C., could not vote for president at all until the 23rd Amendment. Passed by Congress on June 16, 1960, and ratified March 29, 1961, it gives the District electors for president and vice president, but no more than the least populous state.[95] The District still has no voting member of Congress.

Young Voters and the 26th Amendment

For most of the country's history, the usual voting age was 21. During the Vietnam War, many people argued that if 18-year-olds could be drafted, they should be able to vote.

Congress first tried to lower the voting age by law. In Oregon v. Mitchell, decided December 21, 1970, a divided Supreme Court ruled that Congress could set the voting age at 18 for federal elections, but that the law was "unconstitutional and unenforceable insofar as they pertain to state and local elections."[96] That would have meant two voting ages and two sets of voter lists in many states.

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[91] Gordon Bronitsky, "Pueblo People Win the Right to Vote - 1948," New Mexico History (Office of the State Historian). https://newmexicohistory.org/?p=1326 (accessed November 12, 2026).

[92] Harrison v. Laveen, 67 Ariz. 337, 196 P.2d 456 (Ariz. 1948), decided July 15, 1948, opinion text via HallApproved.com (CourtListener data). https://hallapproved.com/az/cases/supreme/1948/3254299/ (accessed November 12, 2026).

[93] Harrison v. Laveen, 67 Ariz. 337, 196 P.2d 456 (Ariz. 1948), decided July 15, 1948, opinion text via HallApproved.com (CourtListener data). https://hallapproved.com/az/cases/supreme/1948/3254299/ (accessed November 12, 2026).

[94] Harrison v. Laveen, 67 Ariz. 337, 196 P.2d 456 (Ariz. 1948), decided July 15, 1948, opinion text via HallApproved.com (CourtListener data). https://hallapproved.com/az/cases/supreme/1948/3254299/ (accessed November 12, 2026).

[95] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XXIII. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[96] Oregon v. Mitchell, 400 U.S. 112 (1970), text via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/400/112 (accessed November 12, 2026).

Congress responded with a constitutional amendment. The 26th Amendment was passed by Congress on March 23, 1971, and ratified July 1, 1971, about three months later.[97] It says the right to vote of citizens "eighteen years of age or older" shall not be denied "on account of age."[98]

The idea was older than the Vietnam War. The National Archives says the slogan "Old enough to fight, old enough to vote" was "first heard during World War II," and in 1942 Congressman Jennings Randolph of West Virginia proposed an amendment to lower the voting age to 18.[99] The law that Oregon v. Mitchell partly struck down was the 1970 extension of the Voting Rights Act, which President Nixon signed even though he believed the states, not Congress, should set the voting age.[100]

The amendment moved fast. "The 26th Amendment was ratified in 100 days, faster than any other amendment," according to the National Archives. It was certified on July 1, 1971, by General Services Administrator Robert Kunzig, and President Nixon signed as a witness at a White House ceremony, joined by three 18-year-olds he invited to sign as well.[101]

Voters Who Speak Other Languages

In 1975, Congress amended the Voting Rights Act to add protections for "language minority citizens."[102] Under those rules, certain places must provide ballots and election materials in other languages. The DOJ page also notes that Congress extended Section 5 for five years in 1970 and for seven years in 1975.[103]

The main rule is Section 203 of the Voting Rights Act, which the Justice Department calls "the keystone" of federal language protections.[104] When a covered place provides voting materials, Section 203 says "it shall provide them in the language of the applicable minority group as well as in the English language."[105]

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[97] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XXVI. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[98] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XXVI. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[99] National Archives, Pieces of History blog, "Records of Rights Vote: 'Old Enough to Fight, Old Enough to Vote'," November 13, 2013. https://prologue.blogs.archives.gov/2013/11/13/records-of-rights-vote-old-enough-to-fight-old-enough-to-vote/ (accessed November 12, 2026).

[100] National Archives, Pieces of History blog, "Records of Rights Vote: 'Old Enough to Fight, Old Enough to Vote'," November 13, 2013. https://prologue.blogs.archives.gov/2013/11/13/records-of-rights-vote-old-enough-to-fight-old-enough-to-vote/ (accessed November 12, 2026).

[101] National Archives, Pieces of History blog, "Records of Rights Vote: 'Old Enough to Fight, Old Enough to Vote'," November 13, 2013. https://prologue.blogs.archives.gov/2013/11/13/records-of-rights-vote-old-enough-to-fight-old-enough-to-vote/ (accessed November 12, 2026).

[102] U.S. Department of Justice, Civil Rights Division, "History of Federal Voting Rights Laws," updated July 28, 2017. https://www.justice.gov/crt/history-federal-voting-rights-laws (accessed November 12, 2026).

[103] U.S. Department of Justice, Civil Rights Division, "History of Federal Voting Rights Laws," updated July 28, 2017. https://www.justice.gov/crt/history-federal-voting-rights-laws (accessed November 12, 2026).

[104] U.S. Department of Justice, Civil Rights Division, "Language Minority Citizens." https://www.justice.gov/crt/language-minority-citizens (accessed November 12, 2026).

[105] U.S. Department of Justice, Civil Rights Division, "Language Minority Citizens." https://www.justice.gov/crt/language-minority-citizens (accessed November 12, 2026).

You might ask, "Which places are covered?" A county or similar unit is covered when more than 10,000, or more than 5 percent, of its voting-age citizens belong to a single language minority group, have depressed literacy rates and do not speak English very well. The Census Bureau makes those determinations, and the protected groups are speakers of Spanish, Asian, Native American and Alaska Native languages.[106]

Not everyone supports these rules. CRS notes that the requirement to provide materials in languages other than English has "drawn criticism," and it cites a published opinion piece arguing that bilingual ballots are costly and a bad idea.[107] Supporters point to the finding Congress wrote into the law in 1975, that language minority citizens "have been effectively excluded from participation in the electoral process."[108]

People Convicted of Felonies

The Constitution's 14th Amendment allows states to take away the vote for "participation in rebellion, or other crime."[109] In Richardson v. Ramirez, decided June 24, 1974, the Supreme Court held that California's rule barring people with felony convictions from voting, even after they finished their sentences, "does not violate the Equal Protection Clause."[110]

Today, state rules vary widely. According to the state table kept by the National Conference of State Legislatures (NCSL), Maine, Vermont and the District of Columbia never take away the vote for a felony conviction.[111] By my count of that table, 23 states take away the vote only while a person is in prison and restore it automatically on release.[112] The rest restore voting rights later, after parole or probation, after an added waiting period, or only through a separate application or pardon. Rules here change often, so check your own state's current law.

As of November 12, 2026, the NCSL table sorts the rest of the states into two more groups. In 15 states, people lose the vote while in prison and for a time after, usually during parole or probation, and then get it back automatically, though some must first pay fines, fees or restitution. In 10 states, some people lose the vote indefinitely, or need a governor's pardon, a waiting period or another step before they can vote again.[113] One detail trips people up. NCSL

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[106] U.S. Department of Justice, Civil Rights Division, "Language Minority Citizens." https://www.justice.gov/crt/language-minority-citizens (accessed November 12, 2026).

[107] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 25 and note 113. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[108] U.S. Department of Justice, Civil Rights Division, "Language Minority Citizens." https://www.justice.gov/crt/language-minority-citizens (accessed November 12, 2026).

[109] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XIV, Section 2. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[110] Richardson v. Ramirez, 418 U.S. 24 (1974), text via Legal Information Institute, Cornell Law School, syllabus. https://www.law.cornell.edu/supremecourt/text/418/24 (accessed November 12, 2026).

[111] National Conference of State Legislatures (NCSL), "Felon Voting Rights" (state table). https://www.ncsl.org/elections-and-campaigns/felon-voting-rights (accessed November 12, 2026).

[112] National Conference of State Legislatures (NCSL), "Felon Voting Rights" (state table). https://www.ncsl.org/elections-and-campaigns/felon-voting-rights (accessed November 12, 2026).

[113] National Conference of State Legislatures (NCSL), "Felon Voting Rights" (state table). https://www.ncsl.org/elections-and-campaigns/felon-voting-rights (accessed November 12, 2026).

notes that "automatic restoration" does not mean automatic registration; the person usually still has to register again through the normal process.[114]

These rules swing with elections and governors. In Florida, a 2018 voter-approved amendment restored voting rights for most people with past felony convictions, and a 2019 law defined "completion of sentence" to include paying all court-ordered fines, fees and restitution.[115] In Virginia, one governor allowed restoration for anyone released from prison in 2021, and the next governor returned to case-by-case applications in 2023. NCSL reports that Virginia voters then approved a constitutional amendment in November 2026 that restores voting rights automatically upon release from incarceration, effective January 1, 2027.[116]

Military and Overseas Voters

One more group needed its own law: people serving far from home and Americans living abroad. The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) "was enacted by Congress in 1986," and it requires states to let these citizens register and vote absentee in federal elections.[117]

The law covers active-duty members of the uniformed services and merchant marine, their spouses and dependents, and qualified voters who live outside the United States. It created the Federal Post Card Application, which registers a voter and requests a ballot at the same time, and a backup ballot called the Federal Write-In Absentee Ballot for voters whose regular ballot does not arrive in time.[118]

In 2009, Congress tightened the rules with the Military and Overseas Voter Empowerment Act (MOVE Act). States must now send ballots to these voters at least 45 days before a federal election when the request comes in by then, offer electronic delivery of blank ballots, and provide a free way to track whether a ballot was received.[119] Chapter 7 shows how many of these ballots were sent and counted in 2024.

What to Take From This Chapter

- Women won the vote nationally with the 19th Amendment in 1920, after decades of organizing that began at Seneca Falls in 1848.
- Native Americans became citizens by law in 1924, but some states kept them from voting until court rulings in 1948.
- The 23rd Amendment gave D.C. residents a vote for president in 1961.

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[114] National Conference of State Legislatures (NCSL), "Felon Voting Rights" (state table). https://www.ncsl.org/elections-and-campaigns/felon-voting-rights (accessed November 12, 2026).

[115] National Conference of State Legislatures (NCSL), "Felon Voting Rights" (state table). https://www.ncsl.org/elections-and-campaigns/felon-voting-rights (accessed November 12, 2026).

[116] National Conference of State Legislatures (NCSL), "Felon Voting Rights" (state table). https://www.ncsl.org/elections-and-campaigns/felon-voting-rights (accessed November 12, 2026).

[117] U.S. Department of Justice, Civil Rights Division, "The Uniformed and Overseas Citizens Absentee Voting Act." https://www.justice.gov/crt/uniformed-and-overseas-citizens-absentee-voting-act (accessed November 12, 2026).

[118] U.S. Department of Justice, Civil Rights Division, "The Uniformed and Overseas Citizens Absentee Voting Act." https://www.justice.gov/crt/uniformed-and-overseas-citizens-absentee-voting-act (accessed November 12, 2026).

[119] U.S. Department of Justice, Civil Rights Division, "The Uniformed and Overseas Citizens Absentee Voting Act." https://www.justice.gov/crt/uniformed-and-overseas-citizens-absentee-voting-act (accessed November 12, 2026).

- The 26th Amendment set the voting age at 18 in 1971, after the Supreme Court said Congress could not do it for state elections by law alone.
- States still decide whether people with felony convictions can vote, and the rules differ a lot.

Chapter 4: Voting Rights Since 1965

The Voting Rights Act was not a one-time law. Parts of it were temporary and had to be renewed. Congress also passed new laws about how people register and vote. And the Supreme Court has ruled several times on how far the act reaches. This chapter brings the story up to November 12, 2026.

Renewals and the 1982 Change

Congress renewed the temporary parts of the act several times. In 1982, it renewed them for 25 years.[120] It also changed Section 2 in an important way. After 1982, a person challenging a voting rule under Section 2 "could establish a violation of the Section without having to prove discriminatory purpose."[121] In plain words, it was enough to show that the rule had a discriminatory result. You did not have to prove what was in the lawmakers' minds.

In 2006, Congress renewed the temporary provisions again.[122] The law was named for three civil rights leaders: the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006.[123] President George W. Bush signed it on July 27, 2006.[124] The same renewal ended the old system of federal voting examiners.[125]

The table below lists each renewal and what it changed. The votes and signing dates come from CRS.[126]

Renewals and amendments of the Voting Rights Act, 1970 to 2006

Year	Signed by and date	Main changes
1970	Richard Nixon, June 22, 1970	Five-year extension; literacy tests banned in all states until

[120] U.S. Department of Justice, Civil Rights Division, "History of Federal Voting Rights Laws," updated July 28, 2017. https://www.justice.gov/crt/history-federal-voting-rights-laws (accessed November 12, 2026).

[121] U.S. Department of Justice, Civil Rights Division, "History of Federal Voting Rights Laws," updated July 28, 2017. https://www.justice.gov/crt/history-federal-voting-rights-laws (accessed November 12, 2026).

[122] U.S. Department of Justice, Civil Rights Division, "History of Federal Voting Rights Laws," updated July 28, 2017. https://www.justice.gov/crt/history-federal-voting-rights-laws (accessed November 12, 2026).

[123] Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Pub. L. 109-246, 120 Stat. 577. https://www.govinfo.gov/content/pkg/STATUTE-120/html/STATUTE-120-Pg577.htm (accessed November 12, 2026).

[124] The White House (President George W. Bush), "President George W. Bush Signs Voting Rights Act Reauthorization and Amendments Act of 2006," July 27, 2006. https://georgewbush-whitehouse.archives.gov/news/releases/2006/07/text/20060727-1.html (accessed November 12, 2026).

[125] U.S. Department of Justice, Civil Rights Division, "History of Federal Voting Rights Laws," updated July 28, 2017. https://www.justice.gov/crt/history-federal-voting-rights-laws (accessed November 12, 2026).

[126] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, pp. 19-23. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

		1975; voting age set at 18
1975	Gerald Ford, August 6, 1975	Seven-year extension; nationwide literacy test ban made permanent; language minority protections added
1982	Ronald Reagan, June 29, 1982	25-year extension of preclearance; Section 2 changed so results alone can prove a violation
1992	George H.W. Bush, August 26, 1992	Bilingual assistance extended to 2007; 10,000-person coverage test added
2006	George W. Bush, July 27, 2006	25-year extension; federal examiners ended; bilingual assistance extended to 2032

Source: CRS Report R43626, pages 19 to 23.[127]

The final votes were lopsided. CRS reports that the 1982 bill passed the House 389 to 24 and the Senate 85 to 8, and the 2006 bill passed the House 390 to 33 and the Senate 98 to 0.[128]

New Federal Rules on Registering and Voting

Two other federal laws shaped how elections are run today. Chapter 5 explains them in detail.

- **The National Voter Registration Act of 1993 (NVRA)**, often called the motor voter law, requires most states to let people register when they apply for a driver's license, to accept a federal mail-in registration form, and to follow set rules before removing anyone from the voter list.
- **The Help America Vote Act of 2002 (HAVA)** created the Election Assistance Commission (EAC), set minimum standards for states, and gave states money to replace old voting equipment after the 2000 election.

Shelby County v. Holder (2013)

The biggest change to the Voting Rights Act came from the Supreme Court. In Shelby County v. Holder, decided June 25, 2013, the Court ruled 5 to 4 that the formula in Section 4(b) of the act was unconstitutional.[129] Chief Justice John Roberts wrote the majority opinion, joined by

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[127] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, pp. 19-23. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[128] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, pp. 21-22. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[129] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

Justices Scalia, Kennedy, Thomas and Alito. Justices Ginsburg, Breyer, Sotomayor and Kagan dissented.[130]

The Court's reasoning was that the formula relied on old data. The syllabus states that the formula "can no longer be used as a basis for subjecting jurisdictions to preclearance."[131] The Court did not strike down Section 5 itself, and it noted that Section 2, the nationwide ban on discrimination, was permanent and not at issue.[132] But with no formula, no place was covered, so preclearance stopped. The National Archives sums it up this way: in 2013 the Court "struck down a key provision of the act involving federal oversight of voting rules in nine states."[133]

People still argue about what Shelby County means. Supporters of the ruling point to the majority's view that the country had changed since 1965 and that the old formula unfairly singled out certain states. Critics point to the dissent's view that preclearance was working and that discrimination would return without it. Both views are in the opinions themselves.[134] Congress has the power to write a new formula, but as of November 12, 2026 it had not passed one.

The Justices in Their Own Words

Because people read this case so differently, it helps to hear the justices themselves. Chief Justice Roberts, for the majority, said the formula rested on "decades-old data and eradicated practices." He wrote: "But history did not end in 1965. By the time the Act was reauthorized in 2006, there had been 40 more years of it."[135] He closed with this: "Our country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions."[136]

The majority also left a door open: "We issue no holding on [Section] 5 itself, only on the coverage formula. Congress may draft another formula based on current conditions."[137] Justice Thomas would have gone further. In a concurrence, he wrote, "For the reasons stated in the Court's opinion, I would find [Section] 5 unconstitutional."[138]

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[130] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[131] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School, syllabus. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[132] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School, syllabus. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[133] National Archives, "Voting Rights Act (1965)," Milestone Documents, page last reviewed February 8, 2022. https://www.archives.gov/milestone-documents/voting-rights-act (accessed November 12, 2026).

[134] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[135] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School, opinion of the Court. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[136] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School, opinion of the Court. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[137] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School, opinion of the Court. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[138] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School, Thomas, J., concurring. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

Justice Ginsburg's dissent stressed the record Congress built in 2006. "In all, the legislative record Congress compiled filled more than 15,000 pages," she wrote, and "between 1982 and 2006, DOJ objections blocked over 700 voting changes based on a determination that the changes were discriminatory."[139] Her best-known line: "Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet."[140] Answering the majority's point about history, she wrote that the Court "ignores that 'what's past is prologue.'"[141]

After Shelby County: What Changed

Before the ruling, preclearance covered nine whole states (Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas and Virginia) and parts of six others.[142] Afterward, CRS explained, Section 5 was "intact, but inoperable, unless or until Congress prescribes a new Section 4 formula."[143] The Justice Department turned to a different tool, Section 3, which lets a court keep a state under its own preclearance review after finding violations of the 14th or 15th Amendment. In July 2013, the Attorney General said the department would ask a federal court to subject Texas to such a regime.[144]

The best-documented court case about a post-Shelby law comes from North Carolina. The day after the ruling, a state Senate leader announced an "omnibus" election bill, and the legislature passed Session Law 2013-381, which required photo ID at the polls and cut back several registration and voting options.[145] The trial court rejected the challenges, but on July 29, 2016, a federal appeals court reversed and found it was passed with discriminatory intent. The court wrote that the provisions "target African Americans with almost surgical precision" and "impose cures for problems that did not exist."[146] The state had defended the law; for example, it said

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[139] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School, Ginsburg, J., dissenting. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[140] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School, Ginsburg, J., dissenting. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[141] Shelby County v. Holder, 570 U.S. 529 (2013), opinion and syllabus via Legal Information Institute, Cornell Law School, Ginsburg, J., dissenting. https://www.law.cornell.edu/supremecourt/text/12-96 (accessed November 12, 2026).

[142] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 17. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[143] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, Summary. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[144] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, pp. 15-16. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[145] North Carolina State Conference of the NAACP v. McCrory, No. 16-1468 (4th Cir. July 29, 2016). https://www.ca4.uscourts.gov/Opinions/Published/161468.P.pdf (accessed November 12, 2026).

[146] North Carolina State Conference of the NAACP v. McCrory, No. 16-1468 (4th Cir. July 29, 2016). https://www.ca4.uscourts.gov/Opinions/Published/161468.P.pdf (accessed November 12, 2026).

cutting early voting days would bring "consistency" across counties, an argument the court rejected.[147]

The wider debate followed the same lines as the opinions. In 2018, the U.S. Commission on Civil Rights, a federal agency, reported that since Shelby County, "the narrowness of statutory mechanisms to halt discriminatory election procedures before they are instituted has resulted in elections with discriminatory voting measures in place," and urged Congress to restore preclearance in a new form.[148] On the other side, CRS notes that some observers had argued Section 5 was "anachronistic and no longer necessary because racial dynamics had changed since the 1960s," and had become "a burden to covered jurisdictions."[149]

Congress has debated a new formula but has not passed one. The John R. Lewis Voting Rights Advancement Act of 2021, H.R. 4, passed the House on August 24, 2021.[150] As of November 12, 2026, the 2025 version had been introduced in the House as H.R. 14 on March 5, 2025, and in the Senate as S. 2523 on July 29, 2025, and the Senate bill was referred to the Judiciary Committee.[151] [Not verified: whether either 2025 bill received any committee or floor action after introduction; the Congress.gov action pages would not open for me.]

Brnovich v. DNC (2021)

With preclearance gone, Section 2 became the main tool for challenging voting rules. In Brnovich v. Democratic National Committee, decided July 1, 2021, the Court ruled 6 to 3 on two Arizona rules.[152] One threw out ballots cast in the wrong precinct. The other limited who could collect and turn in another person's mail ballot.

Justice Samuel Alito wrote for the majority. The Court held that the two rules "do not violate [Section] 2 of the VRA, and HB 2023 was not enacted with a racially discriminatory purpose."[153] The opinion listed factors courts should weigh in Section 2 cases about voting rules, including

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[147] North Carolina State Conference of the NAACP v. McCrory, No. 16-1468 (4th Cir. July 29, 2016). https://www.ca4.uscourts.gov/Opinions/Published/161468.P.pdf (accessed November 12, 2026).

[148] U.S. Commission on Civil Rights, "An Assessment of Minority Voting Rights Access in the United States," 2018 Statutory Enforcement Report, transmittal letter. https://www.usccr.gov/files/pubs/2018/Minority_Voting_Access_2018.pdf (accessed November 12, 2026).

[149] Kevin J. Coleman, "The Voting Rights Act of 1965: Background and Overview," Congressional Research Service Report R43626, July 22, 2014, p. 25. https://www.everycrsreport.com/files/20140722_R43626_3cec5cfef1cffc387d373c5728b7ec92e4c76557.html (accessed November 12, 2026).

[150] H.R. 4, John R. Lewis Voting Rights Advancement Act of 2021, 117th Congress, engrossed in House (passed August 24, 2021), via govinfo. https://www.govinfo.gov/content/pkg/BILLS-117hr4eh/html/BILLS-117hr4eh.htm (accessed November 12, 2026).

[151] H.R. 14, John R. Lewis Voting Rights Advancement Act of 2025, 119th Congress, introduced March 5, 2025, via govinfo. https://www.govinfo.gov/content/pkg/BILLS-119hr14ih/html/BILLS-119hr14ih.htm (accessed November 12, 2026). S. 2523, John R. Lewis Voting Rights Advancement Act of 2025, 119th Congress, introduced July 29, 2025, via govinfo. https://www.govinfo.gov/content/pkg/BILLS-119s2523is/html/BILLS-119s2523is.htm (accessed November 12, 2026).

[152] Brnovich v. Democratic National Committee, 594 U.S. 647 (2021), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/19-1257 (accessed November 12, 2026).

[153] Brnovich v. Democratic National Committee, 594 U.S. 647 (2021), opinion and syllabus via Legal Information Institute, Cornell Law School, syllabus. https://www.law.cornell.edu/supremecourt/text/19-1257 (accessed November 12, 2026).

how large the burden is. "Mere inconvenience is insufficient," the syllabus says.[154] Justice Elena Kagan wrote the dissent, joined by Justices Breyer and Sotomayor.[155]

The majority did not set a single test. It said it was enough "to identify certain guideposts that lead us to our decision in these cases."[156] The syllabus lists five of them:[157]

How heavy the burden of the rule is. Ordinary effort, like the "usual burdens of voting," does not count.
How far the rule departs from what was standard practice in 1982, when Section 2 was amended.
How large any racial gap in the rule's effect is, keeping in mind that "small disparities should not be artificially magnified."
What other ways to vote the state offers, since a burden in one option is judged against the whole system.
How strong the state's reasons are, such as "the strong and entirely legitimate state interest in preventing election fraud."

Justice Kagan's dissent opened with praise for the law and alarm at the ruling: "If a single statute represents the best of America, it is the Voting Rights Act." She went on: "Today, the Court undermines Section 2 and the right it provides."[158]

Allen v. Milligan (2023)

Section 2 also applies to how district lines are drawn. In Allen v. Milligan, decided June 8, 2023, the Court agreed with a lower court that Alabama's congressional map likely violated Section 2 because it diluted the votes of Black residents.[159] Chief Justice Roberts wrote the main opinion. The syllabus says the Court "affirms the District Court's determination that plaintiffs demonstrated a reasonable likelihood of success on their claim that HB1 violates [Section] 2."[160]

The facts are simple to state. Alabama has seven congressional districts, each electing one member. After the 2020 census, the state drew a new map, and in January 2022 a three-judge District Court blocked it, finding that it likely violated Section 2.[161] The trial court found that

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[154] Brnovich v. Democratic National Committee, 594 U.S. 647 (2021), opinion and syllabus via Legal Information Institute, Cornell Law School, syllabus. https://www.law.cornell.edu/supremecourt/text/19-1257 (accessed November 12, 2026).

[155] Brnovich v. Democratic National Committee, 594 U.S. 647 (2021), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/19-1257 (accessed November 12, 2026).

[156] Brnovich v. Democratic National Committee, 594 U.S. 647 (2021), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/19-1257 (accessed November 12, 2026).

[157] Brnovich v. Democratic National Committee, 594 U.S. 647 (2021), opinion and syllabus via Legal Information Institute, Cornell Law School, syllabus. https://www.law.cornell.edu/supremecourt/text/19-1257 (accessed November 12, 2026).

[158] Brnovich v. Democratic National Committee, 594 U.S. 647 (2021), opinion and syllabus via Legal Information Institute, Cornell Law School, Kagan, J., dissenting. https://www.law.cornell.edu/supremecourt/text/19-1257 (accessed November 12, 2026).

[159] Allen v. Milligan, 599 U.S. 1 (2023), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/21-1086 (accessed November 12, 2026).

[160] Allen v. Milligan, 599 U.S. 1 (2023), opinion and syllabus via Legal Information Institute, Cornell Law School, syllabus. https://www.law.cornell.edu/supremecourt/text/21-1086 (accessed November 12, 2026).

[161] Allen v. Milligan, 599 U.S. 1 (2023), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/21-1086 (accessed November 12, 2026).

elections in Alabama were racially polarized and that "Alabama's extensive history of repugnant racial and voting-related discrimination is undeniable and well documented."[162]

The vote was 5 to 4. Justices Sotomayor, Kagan and Jackson joined the Chief Justice's opinion in full, and Justice Kavanaugh joined all but one part.[163] Roberts wrote, "We see no reason to disturb the District Court's careful factual findings," and said the lower court "faithfully applied our precedents."[164] The syllabus adds that the ruling "does not diminish or disregard the concern that [Section] 2 may impermissibly elevate race in the allocation of political power within the States."[165]

Justice Thomas, dissenting, saw the lower court's ruling as a demand for racial proportions: "Black Alabamians are about two-sevenths of the State's population, so they should control two of the State's seven congressional seats." He called that "error."[166]

Louisiana v. Callais (2026)

The newest major ruling came three years later. In Louisiana v. Callais, decided April 29, 2026, the Court ruled 6 to 3 that Louisiana's second majority-Black congressional district was an unconstitutional racial gerrymander.[167] Justice Alito wrote the opinion, joined by Chief Justice Roberts and Justices Thomas, Gorsuch, Kavanaugh and Barrett. Justice Kagan dissented, joined by Justices Sotomayor and Jackson.[168]

The Court held that the Voting Rights Act "did not require Louisiana to create an additional majority-minority district," so "no compelling interest justified the State's use of race."[169] According to the Congressional Research Service (CRS), the Court said a map violates Section 2 "only when the evidence supports a strong inference that the State intentionally drew its districts to afford minority voters less opportunity because of their race."[170]

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[162] Allen v. Milligan, 599 U.S. 1 (2023), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/21-1086 (accessed November 12, 2026).

[163] Allen v. Milligan, 599 U.S. 1 (2023), opinion and syllabus via Legal Information Institute, Cornell Law School, syllabus. https://www.law.cornell.edu/supremecourt/text/21-1086 (accessed November 12, 2026).

[164] Allen v. Milligan, 599 U.S. 1 (2023), opinion and syllabus via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/21-1086 (accessed November 12, 2026).

[165] Allen v. Milligan, 599 U.S. 1 (2023), opinion and syllabus via Legal Information Institute, Cornell Law School, syllabus. https://www.law.cornell.edu/supremecourt/text/21-1086 (accessed November 12, 2026).

[166] Allen v. Milligan, 599 U.S. 1 (2023), opinion and syllabus via Legal Information Institute, Cornell Law School, Thomas, J., dissenting. https://www.law.cornell.edu/supremecourt/text/21-1086 (accessed November 12, 2026).

[167] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[168] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026, syllabus. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[169] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026, syllabus. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[170] Congressional Research Service, "Congressional Redistricting: High Court Narrows Voting Rights Act in Louisiana v. Callais," Legal Sidebar LSB11431, May 14, 2026. https://www.everycrsreport.com/reports/LSB11431.html (accessed November 12, 2026).

CRS says the ruling "significantly limits" when states can be required to create majority-minority districts, that existing districts of that kind "might be challenged," and that some states had changed or were considering changes to their maps for the 2026 elections.[171]

Here again, people read the ruling differently. Supporters say it moves the law away from drawing districts by race, which they see as required by the Equal Protection Clause. Critics say it makes Section 2 much harder to use against maps that weaken minority voters. Those competing views are laid out in the majority and dissenting opinions.[172] How much the ruling will change actual maps was still unfolding as of November 12, 2026. That is an unknown, and Chapter 22 returns to it.

The Justices in Their Own Words

Justice Alito, for the majority, rejected the charge that the Court had turned Section 2 into an intent test. "What must be shown is exactly what the 1982 amendment of [Section] 2 called for," he wrote.[173] He tied the ruling to progress since 1965: "if, as a result of this progress, it is hard to find pertinent evidence relating to intentional present-day voting discrimination, that is cause for celebration."[174] He also warned about partisan games: "If race and politics are not disentangled and a [Section] 2 claim is cynically used as a tool for advancing a partisan end, the VRA's noble goal will be perverted."[175]

Justice Thomas, joined by Justice Gorsuch, wrote separately that "Today's decision should largely put an end to this 'disastrous misadventure' in voting-rights jurisprudence," and that he would go further and hold that Section 2 does not regulate districting at all.[176]

Justice Kagan's dissent was just as direct. She wrote that the majority's new proof rules serve "to convert an effects test, as commanded by Congress, into a purpose test, as preferred by this Court," and that "Today's decision renders Section 2 all but a dead letter."[177] She ended her

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[171] Congressional Research Service, "Congressional Redistricting: High Court Narrows Voting Rights Act in Louisiana v. Callais," Legal Sidebar LSB11431, May 14, 2026. https://www.everycrsreport.com/reports/LSB11431.html (accessed November 12, 2026).

[172] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[173] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026, opinion of the Court, Part V. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[174] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026, opinion of the Court, p. 121. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[175] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026, opinion of the Court, Part V. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[176] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026, Thomas, J., concurring. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[177] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026, Kagan, J., dissenting. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

opening this way: "I dissent, then, from this latest chapter in the majority's now-completed demolition of the Voting Rights Act."[178]

What can Congress do? CRS lists options. Congress could set race-neutral standards for congressional maps, such as independent redistricting commissions or a ban on mid-decade redistricting, both of which appear in bills already introduced. It could also make race-neutral changes to the Voting Rights Act, or write the Callais standard into the statute itself.[179]

What to Take From This Chapter

- Congress renewed the Voting Rights Act several times, most recently in 2006, and in 1982 made it easier to prove a Section 2 violation by showing results.
- The NVRA (1993) and HAVA (2002) set national rules for registration, voter lists and voting equipment.
- Shelby County (2013) ended preclearance by striking down the coverage formula.
- Brnovich (2021) and Louisiana v. Callais (2026) narrowed how Section 2 applies to voting rules and district maps. Allen v. Milligan (2023) went the other way in an Alabama map case.

[178] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026, Kagan, J., dissenting. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[179] Congressional Research Service, "Congressional Redistricting: High Court Narrows Voting Rights Act in Louisiana v. Callais," Legal Sidebar LSB11431, May 14, 2026. https://www.everycrsreport.com/reports/LSB11431.html (accessed November 12, 2026).

Part Two: How an Election Is Run and Checked

Most of us see only one moment of an election: the few minutes we spend filling out a ballot. Behind that moment sit months of work and a chain of checks that run from the day a person registers to the day results are certified.

Part Two walks through that chain step by step. Chapter 5 covers who runs elections and how people get on the voter list. Chapter 6 covers ballots and voting machines. Chapter 7 covers counting, canvassing, certification, audits and recounts. Along the way, I point out the checks at each step, because the most common question people ask about elections is, "How would anyone know if something went wrong?"

The national figures in Part Two come mostly from the Election Assistance Commission's survey of the 2024 general election, the newest full national survey published as of November 12, 2026.

Chapter 5: Who Runs Elections and How You Get on the List

A Decentralized System

There is no single national election office in the United States. Elections are run by states, and inside most states by counties, cities or towns. The Congressional Research Service (CRS) puts it simply: the states have primary responsibility for running elections.[180]

How many offices is that? The Election Assistance Commission (EAC) surveyed 6,461 local election jurisdictions for the 2024 general election, and all of them responded.[181] Those offices ran 95,815 polling places, staffed by 772,433 poll workers.[182] About 15.5 percent of those poll workers were working an election for the first time.[183]

You might ask, "Isn't a patchwork like that a weakness?" People disagree. Some see it as a strength: there is no single computer or office that could change a national result, and each place is run by local officials who answer to local voters. Others see it as a source of confusion, uneven rules and uneven resources. Both points come up again in Part Eight.

Who are these local officials? It depends on the state. According to the National Conference of State Legislatures (NCSL), a nonpartisan group that serves state lawmakers, elections are usually run at the county level, but in some New England and Midwestern states the job falls to cities or townships.[184] In 19 states, one person, usually a county clerk, runs elections at the local level, and NCSL says that official is typically elected.[185] In nine states, a local board or commission runs elections, and NCSL describes these boards as typically bipartisan, with input

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[180] Congressional Research Service, "Federal Investigations and Seizures of Voting Records," In Focus IF13235, May 26, 2026. https://www.everycrsreport.com/reports/IF13235.html (accessed November 12, 2026).

[181] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Table 1. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[182] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Table 1. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[183] U.S. Election Assistance Commission, "U.S. Election Assistance Commission Releases 2024 Election Administration and Voting Survey (EAVS) Report," press release, June 30, 2025. https://eac.gov/news/2025/06/30/us-election-assistance-commission-releases-2024-election-administration-and-voting (accessed November 12, 2026).

[184] National Conference of State Legislatures (NCSL), "Election Administration at State and Local Levels" (updated January 13, 2026). https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels (accessed November 12, 2026).

[185] National Conference of State Legislatures (NCSL), "Election Administration at State and Local Levels" (updated January 13, 2026). https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels (accessed November 12, 2026).

from the political parties.[186] In 17 states the work is shared between two or more local offices, and NCSL counts 16 states where the setup differs from one part of the state to another.[187]

At the state level, there is a chief election official, often the secretary of state. NCSL reports that voters elect that official in 33 states, the governor appoints the official in six states, and the legislature picks the official in four states.[188]

Why does this matter to a voter? "The election office" might be one elected clerk or a board with members from both major parties. Knowing which kind your county has tells you who is accountable when something goes wrong.

The Federal Role

Even though states run elections, federal law sets a floor. CRS lists the main sources of federal power as the 14th and 15th Amendments and the Elections Clause, and the main federal statutes as the National Voter Registration Act of 1993, the Help America Vote Act of 2002 and the Civil Rights Act of 1960.[189] Federal law also sets the date of federal elections. For the House, it is "the Tuesday next after the 1st Monday in November, in every even numbered year."[190] Since the 2022 Electoral Count Reform Act, federal law says presidential electors are appointed "on election day," in line with state laws passed before that day.[191]

Several federal agencies play a part, but none of them counts votes:

- **The Election Assistance Commission (EAC)** was created by the Help America Vote Act. It collects national election data, writes voluntary standards for voting machines and runs the program that tests and certifies equipment against those standards.[192]
- **The Cybersecurity and Infrastructure Security Agency (CISA)**, part of the Department of Homeland Security (DHS), offers security help to state and local election

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[186] National Conference of State Legislatures (NCSL), "Election Administration at State and Local Levels" (updated January 13, 2026). https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels (accessed November 12, 2026).

[187] National Conference of State Legislatures (NCSL), "Election Administration at State and Local Levels" (updated January 13, 2026). https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels (accessed November 12, 2026).

[188] National Conference of State Legislatures (NCSL), "Election Administration at State and Local Levels" (updated January 13, 2026). https://www.ncsl.org/elections-and-campaigns/election-administration-at-state-and-local-levels (accessed November 12, 2026).

[189] Congressional Research Service, "Federal Investigations and Seizures of Voting Records," In Focus IF13235, May 26, 2026. https://www.everycrsreport.com/reports/IF13235.html (accessed November 12, 2026).

[190] 2 U.S. Code Section 7, "Time of election" (date of congressional elections), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/2/7 (accessed November 12, 2026).

[191] 3 U.S. Code Section 1, "Time of appointing electors" (as amended by Pub. L. 117-328, December 29, 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/1 (accessed November 12, 2026).

[192] U.S. Department of Justice, Civil Rights Division, "The Help America Vote Act of 2002," updated May 15, 2024. https://www.justice.gov/crt/help-america-vote-act-2002 (accessed November 12, 2026). U.S. Election Assistance Commission, "U.S. Election Assistance Commission Releases 2024 Election Administration and Voting Survey (EAVS) Report," press release, June 30, 2025. https://eac.gov/news/2025/06/30/us-election-assistance-commission-releases-2024-election-administration-and-voting (accessed November 12, 2026). U.S. Election Assistance Commission, "Voluntary Voting System Guidelines," page dated May 13, 2026. https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines (accessed November 12, 2026).

offices that ask for it. In January 2017, DHS designated election systems as part of the nation's critical infrastructure.[193]

- **The Department of Justice (DOJ)** enforces federal voting laws, including the Voting Rights Act, the NVRA and HAVA.[194]

Federal law also requires election officials to keep records. Under the Civil Rights Act of 1960, records and papers relating to a federal election must be kept for 22 months after the election.[195] That rule matters in disputes, because it means the paper trail is supposed to survive long enough for courts and investigators to look at it. Chapter 22 describes how DOJ has used that law since 2025 to demand records from states and counties.[196]

How People Register

In every state except North Dakota, which has no voter registration, a person must register before voting.[197]

The National Voter Registration Act of 1993 (NVRA), often called the motor voter law, set national rules for registration in the 44 states and the District of Columbia that it covers.[198] Six states are exempt because they had Election Day registration or no registration when the law took effect: Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin and Wyoming.[199]

Under the NVRA:[200]

- A driver's license application must also serve as a voter registration application, unless the applicant chooses not to sign it.
- States must accept a national mail-in registration form, and that form may not require notarization.

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[193] U.S. Department of Homeland Security, "Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector," January 6, 2017. https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical (accessed November 12, 2026). Cybersecurity and Infrastructure Security Agency (CISA), "Election Security". https://www.cisa.gov/topics/election-security (accessed November 12, 2026).

[194] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026). U.S. Department of Justice, Civil Rights Division, "The Help America Vote Act of 2002," updated May 15, 2024. https://www.justice.gov/crt/help-america-vote-act-2002 (accessed November 12, 2026).

[195] 52 U.S. Code Section 20701, "Retention and preservation of records and papers by officers of elections" (Civil Rights Act of 1960, Title III), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/20701 (accessed November 12, 2026).

[196] Congressional Research Service, "Federal Investigations and Seizures of Voting Records," In Focus IF13235, May 26, 2026. https://www.everycrsreport.com/reports/IF13235.html (accessed November 12, 2026).

[197] North Dakota Secretary of State, "Voting in North Dakota" (no voter registration). https://www.sos.nd.gov/elections/voter/voting-north-dakota (accessed November 12, 2026).

[198] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

[199] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

[200] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

- Certain public assistance and disability offices must offer registration.

Registration has many paths now. In 2024, according to the EAC, motor vehicle offices handled 32.2 percent of registration transactions, and automatic voter registration accounted for 26.4 percent.[201] Automatic voter registration (AVR) means that when an eligible person deals with a state agency, often the motor vehicle office, they are registered unless they decline.

How many people are registered? For 2024, the EAC reported that "more than 211 million citizens were active registered voters," or 86.6 percent of the citizen voting-age population.[202]

The EAC's 2024 survey shows how the other registration paths compare. Besides motor vehicle offices and automatic registration, online registration accounted for 14.4 percent of registration transactions, mail, fax and email together for 8.5 percent, and in-person registration for 6.4 percent.[203] States processed more than 103 million registration transactions between the 2022 and 2024 elections, and most of them were not new voters. Updates to existing records made up 57.4 percent, and new valid registrations made up 25.3 percent.[204]

Same-Day Registration

Some states let a person register and vote at the same time. This is called same-day registration (SDR). In 2024, 29 states reported allowing some form of it; 23 allowed it on Election Day and 23 allowed it during in-person early voting.[205] Some states allow it only in narrow cases. Missouri, for example, reported offering it only to "military voters or new residents who moved into Missouri after the voter registration deadline," and Alaska and Rhode Island allow it only for voting for president and vice president.[206] States reported 2,627,300 same-day registrations in the 2024 cycle, or 4.8 percent of registration transactions in the states that reported them.[207]

You might ask, "If someone registers and votes in the same visit, when does anyone check them?" In some states, the answer is that the ballot waits. Ten states (Alaska, Arkansas, Kansas,

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[201] U.S. Election Assistance Commission, "U.S. Election Assistance Commission Releases 2024 Election Administration and Voting Survey (EAVS) Report," press release, June 30, 2025. https://eac.gov/news/2025/06/30/us-election-assistance-commission-releases-2024-election-administration-and-voting (accessed November 12, 2026).

[202] U.S. Election Assistance Commission, "U.S. Election Assistance Commission Releases 2024 Election Administration and Voting Survey (EAVS) Report," press release, June 30, 2025. https://eac.gov/news/2025/06/30/us-election-assistance-commission-releases-2024-election-administration-and-voting (accessed November 12, 2026).

[203] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 3, p. 136. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[204] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 3, p. 125. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[205] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 3, p. 142. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[206] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 3, pp. 142-143. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[207] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 3, p. 143. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

Montana, Nevada, New Mexico, New York, Utah, Virginia and West Virginia) reported that same-day registrants routinely vote a provisional ballot, which is set aside until the registration is checked.[208]

The Checks at Registration

What stops someone from registering who is not eligible? The answer is a series of checks, though they vary by state.

- **Sworn statement.** The federal form asks, "Are you a citizen of the United States of America?" The applicant then signs a statement that the information is true "under penalty of perjury." The form warns that a person who gives false information "may be fined, imprisoned, or (if not a U.S. citizen) deported from or refused entry to the United States."[209]
- **Identity numbers.** The Help America Vote Act requires states to collect a driver's license number or the last four digits of a Social Security number from new registrants and to check that information against state motor vehicle or Social Security records. A person who has neither is given a unique number.[210]
- **First-time voters who register by mail.** HAVA requires them to show identification the first time they vote, unless they already provided verifiable information when they registered. Otherwise they may cast a provisional ballot.[211]

Chapter 12 looks closely at citizenship checks, because that is where most of today's arguments are.

Applications That Are Turned Down or Merged

Not every form an office receives becomes a registration. Between the 2022 and 2024 elections, states reported rejecting 2,841,852 registration transactions, or 3 percent of the total.[212] The EAC's rejected category covers forms with incomplete or incorrect information, information that cannot be validated against existing government records, and forms from people who do not

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[208] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, p. 19. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[209] U.S. Election Assistance Commission, "National Mail Voter Registration Form". https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf (accessed November 12, 2026).

[210] 52 U.S. Code Section 21083, "Computerized statewide voter registration list requirements and requirements for voters who register by mail" (Help America Vote Act, Section 303), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21083 (accessed November 12, 2026).

[211] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024, Question 11. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

[212] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 3, p. 147. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

meet the eligibility rules.[213] The survey groups those reasons together, so it does not tell us how many rejections were for ineligibility and how many were for a missing signature or a typo.

States also processed 10,397,795 duplicate registrations, or 12.7 percent of transactions. A duplicate is an exact match to a record the state already has, often from a person who did not know they were registered or who sent the same information twice, for example by mail and online.[214] Motor vehicle offices had the highest duplicate rate, at 18.8 percent of their transactions.[215]

A duplicate is a second form, not a second voter; the office caught it and matched it to the record already on file.

Statewide Voter Lists

Before 2002, many states kept voter lists county by county. HAVA required each state to keep a single, centralized, computerized statewide voter registration list.[216] A statewide list makes it easier to catch duplicate registrations inside the state and to remove people who die or move.

Keeping the List Current

Voter lists are never perfect. People move without telling anyone. People die in another state. Names are misspelled. Keeping lists accurate is called list maintenance, and the NVRA sets strict rules for it to protect eligible voters from being removed by mistake.

Under the NVRA, a state may remove a voter from the list at the voter's request, and, if state law provides, for criminal conviction or mental incapacity.[217] States must make a "reasonable effort" to remove voters who have died or moved.[218] The law prohibits removing someone "solely because of a failure to vote."[219]

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[213] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 3, p. 147. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[214] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 3, p. 147. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[215] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 3, p. 148. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[216] 52 U.S. Code Section 21083, "Computerized statewide voter registration list requirements and requirements for voters who register by mail" (Help America Vote Act, Section 303), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21083 (accessed November 12, 2026).

[217] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024, Question 37. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

[218] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024, Question 37. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

[219] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024, Question 38. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

For people who may have moved, the law sets a careful process. The state sends a confirmation notice. If the voter does not respond and does not vote through the next two federal general elections, the state may remove them.[220] States also may not run systematic removal programs within 90 days before a federal primary or general election.[221]

How much list maintenance happens? A lot. Between the 2022 and 2024 elections, states removed "more than 21 million voter registration records."[222] The EAC's corrected figures show about 6.5 million removals because voters moved out of the jurisdiction and about 4.6 million because voters died.[223] States sent 38.8 million confirmation notices during that period, and 68.9 percent of them were not returned.[224]

That last number deserves a moment. Some people point to unreturned notices as proof that voter lists are full of people who should not be there. Others point out that an unreturned notice is the start of a legal process, not proof of anything, because many people simply ignore mail. Both are fair points. What the notice does not show is that anyone voted illegally. Chapter 13 and Part Seven look at what the evidence says about that.

The People Who Staff the Polls

Poll workers are the people you meet when you vote in person. The EAC describes them as typically not full-time election staff; they are recruited and trained to help during the voting period, checking in voters, setting up equipment and handing out ballots.[225]

In the 37 states that reported ages, a majority of 2024 poll workers were 61 or older, and the most common age group was 61 to 70.[226] Finding enough of them has been hard, but it got somewhat easier. More than half of jurisdictions reported a difficult recruiting experience in 2020 and 2022; in 2024 that share fell below half.[227]

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[220] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

[221] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

[222] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[223] U.S. Election Assistance Commission, "Errata Note: 2024 EAVS Comprehensive Report," February 12, 2026, Table 5. https://www.eac.gov/sites/default/files/2026-02/Errata_Note_2024_EAVS_v2.pdf (accessed November 12, 2026).

[224] U.S. Election Assistance Commission, "Errata Note: 2024 EAVS Comprehensive Report," February 12, 2026. https://www.eac.gov/sites/default/files/2026-02/Errata_Note_2024_EAVS_v2.pdf (accessed November 12, 2026).

[225] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, p. 23. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[226] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, p. 25. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[227] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, p. 25. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

Training is one of the checks. In 2024, 45.4 percent of states required returning poll workers to train before every election they work.[228] The most common topics were opening and closing the polling place (78.2 percent of states) and voter check-in and helping voters with disabilities (76.4 percent each).[229]

What Happens When You Vote in Person

Here is an in-person visit, step by step.

Your address decides where you vote and what is on your ballot. Voters are assigned to precincts by the address on their registration, and the precinct decides which contests a voter may vote in. For 2024, states reported 177,708 precincts and 95,815 polling places.[230]

Next comes check-in. A poll worker looks you up in the poll book, the list of registered voters, to confirm that you are registered and have not already voted in person or by mail.[231] Whether you must show identification depends on your state; Chapter 10 covers those rules.

Poll books can be printed on paper before the election or kept on electronic devices. In 2024, 39.9 percent of jurisdictions used electronic poll books, the highest share the EAC has recorded, and in 19 states every jurisdiction used them.[232] NCSL explains that an electronic poll book is usually a laptop or tablet that lets poll workers look up voters across a whole county or state, lets voters sign in electronically, and warns poll workers if a voter already voted absentee or early.[233]

Who checks the poll books themselves? The EAC notes that testing and certification of electronic poll books has historically been less formal than for voting equipment.[234] NCSL counts 16 states that certify electronic poll books against an established standard.[235]

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[228] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 82. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[229] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 83. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[230] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, pp. 22-23. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[231] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, p. 29. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[232] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, p. 30. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[233] National Conference of State Legislatures (NCSL), "Electronic Poll Books" (updated September 9, 2026). https://www.ncsl.org/elections-and-campaigns/electronic-poll-books (accessed November 12, 2026).

[234] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 88. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[235] National Conference of State Legislatures (NCSL), "Electronic Poll Books" (updated September 9, 2026). https://www.ncsl.org/elections-and-campaigns/electronic-poll-books (accessed November 12, 2026).

If Your Name Is Not on the List

This is the moment many voters worry about most. Federal law gives you a way to vote anyway. Under Section 302 of the Help America Vote Act (HAVA), if your name is not on the list or an official says you are not eligible, a poll worker must tell you that you may cast a provisional ballot. You sign a written statement that you are registered and eligible, your information goes to election officials "for prompt verification," and the ballot is counted if they find you eligible under state law.[236] Officials must also give you written information on how to find out whether your ballot counted and, if not, why, through a free system such as a toll-free number or a website.[237] The EAC calls the provisional ballot "a safety net or fail safe for the voter."[238]

How often does this happen? In 2024, voters cast 1,736,209 provisional ballots in the states that reported them, and 0.9 percent of voters whose ballots counted voted this way. States reported that 73.8 percent of provisional ballots were counted in full or in part and 25.1 percent were rejected.[239]

Why voters cast provisional ballots in the 2024 general election (share of provisional ballots cast)

Reason	Share
Name not on the list of eligible voters	40.2%
Registered on the same day in person	26.2%
Registration not updated with current name or address	14.3%
Had been sent a mail ballot and did not turn it in at the polls	14.3%
Other reasons not listed	6.4%
Not a resident of the precinct	6.3%
No proper identification under state law	2.7%
Election official said the voter was not eligible	0.6%
Another person challenged the voter	0.1%

[236] 52 U.S. Code Section 21082, "Provisional voting and voting information requirements" (Help America Vote Act, Section 302), subsection (a), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21082 (accessed November 12, 2026).

[237] 52 U.S. Code Section 21082, "Provisional voting and voting information requirements" (Help America Vote Act, Section 302), subsection (a)(5), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21082 (accessed November 12, 2026).

[238] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 77 (quoting EAC, "Best Practices: Provisional Voting," July 2023). https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[239] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, p. 19. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

Source: U.S. Election Assistance Commission data; states could report more than one category, and some states did not report, so the shares do not add to 100 percent.[240]

Why were provisional ballots rejected? The most common reason by far was that the person was not registered in the state, which accounted for 52.2 percent of rejections. Voting in the wrong jurisdiction accounted for 14.2 percent.[241] The wrong precinct matters too. Among states that use provisional ballots, about 8 percent said a ballot cast in the wrong precinct would be counted in full, 40.4 percent said it would be partly counted, usually only for the races the voter was eligible for, and 52 percent said it would be rejected.[242] The practical lesson is simple: check your registration and your polling place before Election Day.

Observers and Poll Watchers

You might ask, "Who is watching the people who run the election?" One answer is observers. According to NCSL, most states allow people representing political parties, candidates, or groups for or against a ballot measure to observe elections, and most states define the roles of partisan observers and how many may be present.[243] NCSL also reports that almost all states let the public view some parts of the process, while some states have no law allowing nonpartisan citizen observers.[244]

Observers watch; they do not run the polls. NCSL says they are prohibited from interfering beyond reporting issues to polling place authorities and party officials.[245] Some states also allow challengers, who may contest a voter's eligibility, and a challenged voter may have to show documents proving eligibility before voting.[246] Challenges by someone other than an election official were rare in 2024, accounting for 0.1 percent of provisional ballots cast.[247]

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[240] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, p. 20, Table 2. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[241] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, pp. 20-21. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[242] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, pp. 78-79. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[243] National Conference of State Legislatures (NCSL), "Policies for Election Observers" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/policies-for-election-observers (accessed November 12, 2026).

[244] National Conference of State Legislatures (NCSL), "Policies for Election Observers" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/policies-for-election-observers (accessed November 12, 2026).

[245] National Conference of State Legislatures (NCSL), "Policies for Election Observers" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/policies-for-election-observers (accessed November 12, 2026).

[246] National Conference of State Legislatures (NCSL), "Policies for Election Observers" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/policies-for-election-observers (accessed November 12, 2026).

[247] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 1, p. 20, Table 2. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

Pressure on Election Officials

As of November 12, 2026, there is no official national count of threats against election officials that I could find. [Not verified: I searched EAC and CISA materials for an official national count of threats against, or turnover among, election officials and found none.] What the EAC does report is that, for 2024, all 56 states and territories said they had security policies to protect people who work in election offices. Examples included training in de-escalation and cybersecurity.[248]

One recurring survey comes from the Brennan Center for Justice, a progressive-leaning legal policy group. Its 2026 survey drew 834 responses from local election officials between January 27 and February 26, 2026. Thirty-two percent reported experiencing threats, harassment or abuse because of their job, and 52 percent said they were concerned about the safety of their colleagues.[249] Treat that as one group's survey, not an official record. [Not verified: I did not find a comparable survey of election officials by a conservative-leaning group to set beside it.]

What to Take From This Chapter

- About 6,500 local offices run U.S. elections. No federal agency counts votes.
- Federal law sets a floor: who must be offered registration, how lists must be kept, and how long records must be saved.
- New registrants' identity numbers are checked against state or Social Security records, and first-time mail registrants must show ID at some point.
- States removed more than 21 million records between 2022 and 2024, mostly for moves and deaths, following rules meant to avoid removing eligible voters by mistake.

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[248] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 94. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[249] Brennan Center for Justice, "Local Election Officials Survey 2026," pp. 2-3. https://www.brennancenter.org/media/15483/download/2026_local_election_officials_final_0.pdf?inline=1 (accessed November 12, 2026).

Chapter 6: Ballots and Machines

How People Voted in 2024

In the 2024 general election, the EAC counted "more than 158 million counted ballots," cast by nearly 65 percent of the citizen voting-age population.[250] How did those voters cast their ballots? About 30 percent voted by mail. In person, 35.2 percent voted early and 37.4 percent voted on Election Day.[251]

The Main Kinds of Voting Equipment

There are three common ways to record a vote in the United States today.

- **Hand-marked paper ballots, counted by scanner.** The voter fills in ovals on a paper ballot with a pen. The ballot goes into an optical scanner, a machine that reads the marks and keeps a count. The paper ballot is kept.
- **Ballot-marking devices (BMDs).** The voter makes choices on a touchscreen or other device, and the machine prints a paper ballot or summary that the voter can review. That paper is then scanned and kept. Many voters with disabilities rely on these devices.
- **Direct-recording electronic machines (DREs).** The voter makes choices on a screen and the machine records them electronically. Some DREs print a paper record the voter can see, called a voter-verified paper audit trail (VVPAT). Some do not.

Across the country in 2024, states reported deploying 365,076 voting systems.[252] Of those, 61.6 percent were ballot-marking devices, 28.3 percent were scanners, and 7.2 percent were DREs with a paper trail.[253]

The most important number is this one. The EAC reported that "over 98% of election jurisdictions used voting equipment that has voters mark a paper ballot or produces an auditable paper record."[254] Only 80 jurisdictions, in three states, used systems without a voter-

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[250] U.S. Election Assistance Commission, "U.S. Election Assistance Commission Releases 2024 Election Administration and Voting Survey (EAVS) Report," press release, June 30, 2025. https://eac.gov/news/2025/06/30/us-election-assistance-commission-releases-2024-election-administration-and-voting (accessed November 12, 2026).

[251] U.S. Election Assistance Commission, "U.S. Election Assistance Commission Releases 2024 Election Administration and Voting Survey (EAVS) Report," press release, June 30, 2025. https://eac.gov/news/2025/06/30/us-election-assistance-commission-releases-2024-election-administration-and-voting (accessed November 12, 2026).

[252] U.S. Election Assistance Commission, "Errata Note: 2024 EAVS Comprehensive Report," February 12, 2026. https://www.eac.gov/sites/default/files/2026-02/Errata_Note_2024_EAVS_v2.pdf (accessed November 12, 2026).

[253] U.S. Election Assistance Commission, "Errata Note: 2024 EAVS Comprehensive Report," February 12, 2026, Overview Table 4. https://www.eac.gov/sites/default/files/2026-02/Errata_Note_2024_EAVS_v2.pdf (accessed November 12, 2026).

[254] U.S. Election Assistance Commission, "U.S. Election Assistance Commission Releases 2024 Election Administration and Voting Survey (EAVS) Report," press release, June 30, 2025. https://eac.gov/news/2025/06/30/us-election-assistance-commission-releases-2024-election-administration-and-voting (accessed November 12, 2026).

verified paper trail.[255] Paper matters because it can be counted by hand and compared with the machine count. That is how audits and recounts check the machines, as Chapter 7 explains.

Hand counting is also used. In 2024, 21 percent of jurisdictions reported hand counting some paper ballots.[256]

How a Scanner Reads a Ballot

What does a scanner actually do with your ballot? As described above, it reads the marks and keeps a count. The federal standard, VVSG 2.0, sets rules for how it must behave. A scanner must either count a ballot correctly no matter which way it is fed in, or reject a ballot that is turned the wrong way.[257] Batch-fed scanners, which read stacks of ballots at a central office, must set aside, flag or stop on ballots they cannot read and ballots with write-in votes, so people can review them.[258]

Two more rules guard against quiet errors. The scanner's decision must be repeatable, meaning it "never changes from a vote to a non-vote or from non-vote to a vote." And its handling of light or stray marks, called marginal marks, must not show a bias, for example by treating marks in the first candidate's spot differently from marks in the second.[259]

Undervotes and Overvotes

Two terms come up often in close races. An undervote happens when a voter makes fewer choices in a contest than allowed, including making no choice at all. An overvote happens when a voter makes more choices than allowed, such as marking two candidates for governor.[260] An undervote can be a choice, since voters are free to skip a race. An overvote in a vote-for-one race cannot show which candidate the voter wanted.

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[255] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[256] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[257] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines VVSG 2.0," adopted February 10, 2021, requirement 1.1.6-B, p. 45. https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf (accessed November 12, 2026).

[258] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines VVSG 2.0," adopted February 10, 2021, requirement 1.1.6-C, p. 45. https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf (accessed November 12, 2026).

[259] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines VVSG 2.0," adopted February 10, 2021, requirements 1.1.6-J and 1.1.6-K, pp. 47-48. https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf (accessed November 12, 2026).

[260] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines VVSG 2.0," adopted February 10, 2021, glossary entries "overvote" and "undervote." https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf (accessed November 12, 2026).

Federal law tries to catch overvotes before the ballot is cast. HAVA requires a voting system to notify the voter of an overvote, explain "the effect of casting multiple votes for the office," and give the voter a chance to correct the ballot.[261] For paper ballots and mail ballots, a state can meet this rule with voter education and instructions on how to fix a ballot, including getting a replacement ballot.[262] Under VVSG 2.0, scanners that voters feed themselves must have a setting officials can turn on that stops the ballot and shows a message when it has an overvote, an undervote, an unvoted contest or no marks at all.[263] That is why a scanner sometimes hands a ballot back to you at the polls.

Testing and Certifying Machines

You might ask, "Who decides whether a voting machine can be trusted?" There are several layers.

Federal standards. The EAC writes the Voluntary Voting System Guidelines (VVSG), a set of standards for how voting systems must work and how they must be secured. On February 10, 2021, the EAC's commissioners unanimously adopted the newest version, VVSG 2.0.[264] Testing labs accredited by the EAC check machines against the standard. Labs were accredited to test to VVSG 2.0 in November 2022.[265] The word "voluntary" matters: each state decides whether to require federal certification.[266]

State certification. States also decide which machines may be used within their borders. The EAC's 2024 survey of state policies, described later in this section, shows how many states require federal testing or certification. Check your own state's rules through Appendix C.

Testing before each election. Before every election, local officials run what is called logic and accuracy testing: testing of each ballot style and the voting system's parts to make sure they read and count votes correctly. The EAC's guidelines suggest officials consider inviting reporters to watch the testing and setup.[267]

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[261] 52 U.S. Code Section 21081, "Voting systems standards" (Help America Vote Act, Section 301), subsection (a)(1)(A)(iii), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21081 (accessed November 12, 2026).

[262] 52 U.S. Code Section 21081, "Voting systems standards" (Help America Vote Act, Section 301), subsection (a)(1)(B), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21081 (accessed November 12, 2026).

[263] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines VVSG 2.0," adopted February 10, 2021, requirement 1.1.6-D, p. 45. https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf (accessed November 12, 2026).

[264] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines," page dated May 13, 2026. https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines (accessed November 12, 2026).

[265] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines," page dated May 13, 2026. https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines (accessed November 12, 2026).

[266] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines," page dated May 13, 2026. https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines (accessed November 12, 2026).

[267] U.S. Election Assistance Commission, "Election Management Guidelines" (chapters 5 and 11). https://www.eac.gov/election-officials/election-management-guidelines (accessed November 12, 2026).

The EAC's 2024 policy survey gives a partial answer to the question of state rules. Most states (78.6 percent) said their laws require voting systems to be tested and certified, and 14.3 percent require it by administrative rule or guidance. American Samoa, Mississippi, the Northern Mariana Islands and South Dakota reported no such requirement before a system is approved for purchase.[268] Asked what role federal testing plays, 48.1 percent of states said they require testing by an EAC-accredited lab, 46.2 percent said they use the VVSG, 38.5 percent require federal certification, and 38.5 percent use state certification independent of federal certification.[269] Those shares add to more than 100 percent, so many states use more than one of these methods.

What VVSG 2.0 Asks Of a Machine

VVSG 2.0 is built on 15 principles and 53 guidelines.[270] A few of them speak directly to the questions people ask about machines. Under the principle called Auditable, "An error or fault in the voting system software or hardware cannot cause an undetectable change in election results."[271]

Who Makes the Certified Machines

As of November 12, 2026, the EAC's list of federally certified voting systems named systems from Election Systems and Software (ES&S), Dominion Voting Systems (which the list notes was purchased by Liberty Vote USA Inc.), Hart InterCivic, Clear Ballot Group, MicroVote, Unisyn Voting Solutions, Smartmatic USA and VotingWorks.[272] Most systems on the list were tested to older standards. Four were listed as certified to VVSG 2.0: Hart InterCivic's Verity Vanguard 1.0 (July 7, 2025) and 1.1 (June 26, 2026), Smartmatic's VSR1 2.1 (November 26, 2025), and VotingWorks' VxSuite 4.0 (September 15, 2026).[273] The list shows what is certified, not how many places use each system. [Not verified: I did not find an official national count of how many jurisdictions use each manufacturer's equipment, so I give none.]

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[268] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 88. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[269] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 88. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[270] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines VVSG 2.0," adopted February 10, 2021, p. 21. https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf (accessed November 12, 2026).

[271] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines VVSG 2.0," adopted February 10, 2021, Principle 9, guideline 9.1, p. 23. https://www.eac.gov/sites/default/files/TestingCertification/Voluntary_Voting_System_Guidelines_Version_2_0.pdf (accessed November 12, 2026).

[272] U.S. Election Assistance Commission, "Certified Voting Systems." https://www.eac.gov/voting-equipment/certified-voting-systems (accessed November 12, 2026).

[273] U.S. Election Assistance Commission, "Certified Voting Systems." https://www.eac.gov/voting-equipment/certified-voting-systems (accessed November 12, 2026).

Logic and Accuracy Testing, Step by Step

Logic and accuracy testing is the most common check of all. In 2024, 92.9 percent of states reported doing it.[274] The EAC describes it as a test of whether voting systems count correctly before tabulation begins, "usually by creating a test deck of ballots and running them through the systems."[275]

In plain words, it works like this. Officials mark a stack of test ballots in a planned pattern, so they know in advance exactly how many votes each candidate should get. They run the stack through each machine and compare the printed totals with the expected totals. If a candidate's name is linked to the wrong oval, or a machine misreads a mark, the totals will not match, and the problem is fixed before any real ballot is counted.

Chain of Custody

Chain of custody means keeping a written record of who had each ballot, memory card and piece of equipment, and when, from the time it leaves the warehouse until long after the election. The EAC's best practices include serialized, tamper-evident seals; logs that record each time a seal is broken, signed by at least two people; and at least two signatures on each custody document.[276]

Why does this matter? Because a gap in the record is often what people point to when they question a result. A complete chain of custody is the evidence that the ballots counted are the ballots cast.

Are Voting Machines Online?

This question comes up often enough that Part Seven tests it as a claim. Here I only describe what the standards say. The VVSG 2.0 standard restricts network connections for voting systems.[277] Many machines are never connected to the internet. Some election systems that are not voting machines, such as voter registration databases and websites that post unofficial results, are online, and those are the systems that have been targeted by attackers in the past. Chapter 18 covers what investigators found about attacks on those systems in 2016.

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[274] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 91. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[275] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 92, Table 5. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[276] U.S. Election Assistance Commission, "Chain of Custody Best Practices," July 12, 2021 (version 1.1). https://www.eac.gov/election-officials/chain-custody-best-practices (accessed November 12, 2026).

[277] U.S. Election Assistance Commission, "Voluntary Voting System Guidelines," page dated May 13, 2026. https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines (accessed November 12, 2026).

The Federal Rules Every Voting System Must Meet

The VVSG is voluntary, but some rules are not. Section 301 of HAVA sets requirements that every voting system used in a federal election has had to meet since January 1, 2006.[278] Here are the main ones:

The voter must be able to check the choices privately and independently, and to change the ballot or fix a mistake, before it is cast.[279]

The system must "produce a permanent paper record with a manual audit capacity," and that record must be available as an official record for any recount.[280]

Each state must adopt "uniform and nondiscriminatory standards that define what constitutes a vote" for each kind of voting system it uses.[281]

Notice that the paper-record rule does not say the voter must see the paper. In my reading, that is why machines without a voter-verified paper trail could still be used; the EAC counted 80 jurisdictions using them in 2024, as noted earlier in this chapter.

What Counts as a Vote

The last rule above matters most when ballots are marked in odd ways: a circle instead of a filled oval, a check mark, a mark crossed out. NCSL notes that some states say outright that a paper ballot that cannot be read cleanly is still counted as long as the voter's intent can be discerned. Without such a "voter intent" law, NCSL says, imperfect ballots cannot be counted at all and might become a reason to contest an election.[282] Chapter 16 shows how much this question mattered in Florida in 2000.

Voting With a Disability

HAVA requires every voting system to be accessible to people with disabilities, including blind and visually impaired voters, "in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters." It also requires at least

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[278] 52 U.S. Code Section 21081, "Voting systems standards" (Help America Vote Act, Section 301), subsection (d), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21081 (accessed November 12, 2026).

[279] 52 U.S. Code Section 21081, "Voting systems standards" (Help America Vote Act, Section 301), subsection (a)(1)(A), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21081 (accessed November 12, 2026).

[280] 52 U.S. Code Section 21081, "Voting systems standards" (Help America Vote Act, Section 301), subsection (a)(2), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21081 (accessed November 12, 2026).

[281] 52 U.S. Code Section 21081, "Voting systems standards" (Help America Vote Act, Section 301), subsection (a)(6), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21081 (accessed November 12, 2026).

[282] National Conference of State Legislatures (NCSL), "Postelection Processes" (series page, updated October 26, 2022). https://www.ncsl.org/elections-and-campaigns/postelection-processes (accessed November 12, 2026).

one accessible voting machine at each polling place.[283] The same section requires accessibility in other languages under the federal language-assistance law that Chapter 3 describes.[284]

At the polls, 76.4 percent of states covered helping voters with disabilities in poll worker training in 2024, and just over half of states allowed curbside voting, where a voter who cannot easily enter the building votes outside.[285]

What to Take From This Chapter

- About 30 percent of 2024 voters voted by mail, and about 72 percent voted in person, early or on Election Day.
- More than 98 percent of jurisdictions used equipment that produces a paper ballot or paper record that can be checked by hand.
- Machines are tested against federal standards, approved by states, and tested again before each election.
- Chain-of-custody records are the evidence that the ballots counted are the ballots cast.

[283] 52 U.S. Code Section 21081, "Voting systems standards" (Help America Vote Act, Section 301), subsection (a)(3), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21081 (accessed November 12, 2026).

[284] 52 U.S. Code Section 21081, "Voting systems standards" (Help America Vote Act, Section 301), subsection (a)(4), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21081 (accessed November 12, 2026).

[285] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Executive Summary p. iii and Chapter 2, p. 83. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

Chapter 7: Counting, Canvassing, Certification, Audits and Recounts

You might ask, "How would anyone know if votes were changed?" Here are the checks, step by step.

Step 1: Election Night Results Are Unofficial

The numbers you see on election night are unofficial. They are early reports from the machines and counting centers, usually posted before every mail ballot, provisional ballot and overseas ballot has been processed. As the EAC puts it, "even when those results say '100% Precincts Reporting,' they are still unofficial," and results continue to be released until all ballots are counted. So the totals can shift in the days after an election, and that alone is not a sign of a problem.[286]

Step 2: Reconciling the Numbers

After the polls close, election workers reconcile: they compare the number of voters who checked in with the number of ballots cast. The EAC describes the canvass as the step where officials "reconcile the number of mail, early, and election day ballots cast with the number of voters."[287] This is one of the most important checks in the whole system, because a mismatch points officials to extra or missing ballots.

Step 3: Processing Mail and Provisional Ballots

Mail ballots go through their own checks. In most states, election workers check the signature on the return envelope against the signature on file, and confirm the voter has not already voted.[288] In 2024, of about 48 million mail ballots returned, 584,463 were rejected, or 1.2 percent.[289] The most common reasons were a missing or non-matching signature (40.7 percent of rejections), arriving too late (17.8 percent), and the voter having already cast another ballot that was accepted (11.1 percent).[290]

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[286] U.S. Election Assistance Commission, "Election Results, Canvass, and Certification" (July 30, 2026). https://www.eac.gov/election-officials/election-results-canvass-and-certification (accessed November 12, 2026).

[287] U.S. Election Assistance Commission, "Election Results, Canvass, and Certification" (July 30, 2026). https://www.eac.gov/election-officials/election-results-canvass-and-certification (accessed November 12, 2026).

[288] National Conference of State Legislatures (NCSL), "Table 14: How States Verify Voted Absentee/Mail Ballots" (updated October 26, 2026). https://www.ncsl.org/elections-and-campaigns/table-14-how-states-verify-voted-absentee-mail-ballots (accessed November 12, 2026). U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[289] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[290] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

That last figure is worth pausing on. It means the system caught those duplicate ballots and did not count them.

Provisional ballots are another safety valve. A voter whose eligibility is in question at the polls, for example because their name is not on the list, can cast a provisional ballot. It is set aside and counted only if officials later confirm the person was eligible.[291]

Military and overseas voters, covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), have their own process. In 2024, more than 1.3 million ballots were sent to them, and "more than 96% of returned UOCAVA ballots were counted."[292]

Step 4: The Canvass

The canvass is the official review and tally of all ballots. It is usually done by a county board, often bipartisan, in public meetings. The board checks the reconciliation records, resolves problem ballots, adds in provisional and late-arriving ballots that qualify, and produces the official count.[293]

Step 5: Certification

After the canvass, the results are certified, meaning officially declared final, first by the county and then by the state. Each state sets its own deadlines. NCSL's state list runs from Alaska, where the state review is due "no later than the day after the election," to Illinois, where the state canvass happens within 31 days.[294] NCSL also stresses that "results are unofficial on election night" and that certified results are "the ones that are official and determine who gets sworn in."[295] In many states, certification is a required duty, not a judgment call. Michigan's law, for example, calls it "the ministerial, clerical, and nondiscretionary duty" of the state canvassers to certify results based on the counties' certified statements.[296] Disputes over the count are meant to go to the courts or to recount procedures, not to a refusal to certify.

How long does certification take? The EAC's 2024 policy survey found state deadlines that ranged from November 7 to December 31, 2024. Thirty-five states reported being able to certify

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[291] U.S. Department of Justice, Civil Rights Division, "The National Voter Registration Act of 1993 (NVRA)," last updated November 1, 2024, Question 11. https://www.justice.gov/crt/national-voter-registration-act-1993-nvra (accessed November 12, 2026).

[292] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[293] National Conference of State Legislatures (NCSL), "Election Certification Deadlines" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines (accessed November 12, 2026). U.S. Election Assistance Commission, "Election Results, Canvass, and Certification" (July 30, 2026). https://www.eac.gov/election-officials/election-results-canvass-and-certification (accessed November 12, 2026).

[294] National Conference of State Legislatures (NCSL), "Election Certification Deadlines" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines (accessed November 12, 2026).

[295] National Conference of State Legislatures (NCSL), "Election Certification Deadlines" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines (accessed November 12, 2026).

[296] National Conference of State Legislatures (NCSL), "Election Certification Deadlines" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines (accessed November 12, 2026).

in November and 21 had a December deadline; Delaware, Hawaii and Pennsylvania reported no specific state deadline.[297]

In NCSL's summary of the EAC's definition, certification is officials attesting that the count is complete and accurate and is a true accounting of all votes cast.[298] Before that, a local canvass board reviews the local election official's work and, in NCSL's words, "assesses the completeness and accuracy of the documentation and vote totals and approves the results."[299] NCSL also notes that state certification "provides the needed authority for swearing in newly elected officeholders."[300] That is why a county that refuses to certify can hold up a whole state, as the cases later in this chapter show.

Step 6: Post-Election Audits

An audit checks whether the machines counted correctly by comparing a sample of the paper ballots against the machine totals. The EAC reported that audits were used in "over two-thirds of states" in 2024.[301]

There are two main kinds:

- **Fixed-percentage audits** hand count a set share of precincts or machines, for example a few percent, and compare the result with the machine count.
- **Risk-limiting audits (RLAs)** use statistics to decide how many ballots to check. If the sample confirms the reported winner, the audit stops. If it does not, the audit grows, up to a full hand count. One state law describes an RLA as an audit "designed to limit the risk of certifying an incorrect election outcome."[302]

By my count of the NCSL audit table, six states list risk-limiting audits as their required method: Colorado, Georgia, Maryland, Nevada, Rhode Island and Virginia.[303] Several others allow them or have run pilots. The table is updated often, so treat this count as a snapshot.

Most states that require a tabulation audit still use the older, fixed-percentage kind. In 2024, 74.3 percent of those states required a traditional hand-count audit of a fixed share of randomly chosen districts or machines, 17 percent required a traditional machine-count audit, and 17

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[297] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, pp. 89-90. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[298] National Conference of State Legislatures (NCSL), "Election Certification Deadlines" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines (accessed November 12, 2026).

[299] National Conference of State Legislatures (NCSL), "Election Certification Deadlines" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines (accessed November 12, 2026).

[300] National Conference of State Legislatures (NCSL), "Postelection Processes" (series page, updated October 26, 2022). https://www.ncsl.org/elections-and-campaigns/postelection-processes (accessed November 12, 2026).

[301] U.S. Election Assistance Commission, "Errata Note: 2024 EAVS Comprehensive Report," February 12, 2026. https://www.eac.gov/sites/default/files/2026-02/Errata_Note_2024_EAVS_v2.pdf (accessed November 12, 2026).

[302] National Conference of State Legislatures (NCSL), "Post-Election Audits" (state table). https://www.ncsl.org/elections-and-campaigns/post-election-audits (accessed November 12, 2026).

[303] National Conference of State Legislatures (NCSL), "Post-Election Audits" (state table). https://www.ncsl.org/elections-and-campaigns/post-election-audits (accessed November 12, 2026).

percent required a risk-limiting audit.[304] Of the states that run these audits, 86.5 percent said state law requires them.[305]

How a Risk-Limiting Audit Picks Its Sample

The EAC defines a risk-limiting audit as a check of a sample of ballots that "provides a prespecified statistical chance of correcting the reported outcome of an election if the reported outcome is wrong."[306]

The audit starts with a number called the risk limit. Colorado set a 3 percent risk limit for its 2026 general election audit.[307] Put simply, a 3 percent risk limit means that if the reported winner were really the loser, the audit would have no more than a 3 percent chance of missing it and at least a 97 percent chance of catching it and moving toward a full hand count.

Next, the ballots to check must be picked by chance in a way no one can rig. In Colorado, a random "seed" number is created by rolling 20 ten-sided dice at a public meeting, and audit software uses that number to pick specific ballots.[308] Bipartisan audit boards then pull those exact ballots and record what each one shows. If the human reading does not match how the machine recorded the ballot, Colorado calls it a discrepancy, and counties may have to do more rounds of auditing.[309]

How many ballots get checked? It depends on the margin. A race won by a wide margin may need only a small sample to confirm the winner. A razor-thin race needs many more, and a tie needs every ballot. Georgia's 2020 presidential race shows the extreme. With a margin of 0.3 percent, the audit required "a full manual count of just over 5 million ballots."[310]

Colorado's Audits

Colorado has run these audits statewide since 2017. According to its Secretary of State, the legislature began the process in 2009 with a law now found at Section 1-7-515 of the Colorado Revised Statutes, and in the 2017 coordinated election all counties that use machines to count

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[304] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, pp. 93-94. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[305] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 93. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[306] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, p. 92, Table 5. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[307] Colorado Secretary of State, "Audit Center." https://www.coloradosos.gov/pubs/elections/auditCenter.html (accessed November 12, 2026).

[308] Colorado Secretary of State, "Risk-Limiting Audit (RLA) FAQs." https://www.coloradosos.gov/pubs/elections/RLA/faqs.html (accessed November 12, 2026).

[309] Colorado Secretary of State, "Risk-Limiting Audit (RLA) FAQs." https://www.coloradosos.gov/pubs/elections/RLA/faqs.html (accessed November 12, 2026).

[310] VotingWorks, "Risk-Limiting Audit Report: Georgia Presidential Contest, November 2020," November 19, 2020, p. 1. https://public-assets.voting.works/website/2020/11/georgia2020_report.pdf (accessed November 12, 2026).

votes took part.[311] The state began with a 9 percent risk limit in comparison audits and later lowered it to 3 percent.[312]

Step 7: Recounts

A recount counts the ballots again, by machine, by hand or both. According to NCSL, "Twenty-six states, plus Washington, D.C. and Puerto Rico, provide for automatic or mandatory recounts." The trigger ranges from a 1 percent margin down to a tie, and "the most common trigger is 0.5%." In 41 states and D.C., a candidate or voter can request a recount, sometimes at their own cost.[313]

You may hear that recounts rarely change outcomes. [Not verified] I did not find an official national count of how often recounts change results, so I do not give one. I searched NCSL and EAC materials; the figures usually quoted come from advocacy-group studies I could not check against official records.

The EAC's policy survey shows the ways a recount can start. Among states that reported recount rules for 2024, 60.7 percent said a recount may follow a court order, half said one may be requested by a candidate or other affected party, and 46.4 percent said recounts happen automatically when a race falls within a set margin, up from 37.5 percent in 2020.[314]

Recounts in Practice: Wisconsin, 2016 and 2020

Wisconsin has run two presidential recounts in recent years, one requested by the Green Party candidate and one by the Republican candidate, so it is a useful place to see what recounts usually find.

Under Wisconsin law, when more than 4,000 votes are cast, a candidate trailing by no more than 1 percent may ask for a recount. A candidate trailing by more than 0.25 percent must pay the estimated cost up front, and does not have to pay if the recount changes the outcome.[315]

In 2016, Green Party candidate Jill Stein requested and paid for a statewide recount, and nearly 3 million votes were counted again.[316] The Wisconsin State Journal reported that, according to the Wisconsin Elections Commission, the recount produced a net gain of 131 votes for Donald

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[311] Colorado Secretary of State, "Risk-Limiting Audit (RLA) FAQs." https://www.coloradosos.gov/pubs/elections/RLA/faqs.html (accessed November 12, 2026).

[312] Colorado Secretary of State, "Risk-Limiting Audit (RLA) FAQs." https://www.coloradosos.gov/pubs/elections/RLA/faqs.html (accessed November 12, 2026).

[313] National Conference of State Legislatures (NCSL), "Election Recounts" (updated October 19, 2026). https://www.ncsl.org/elections-and-campaigns/election-recounts (accessed November 12, 2026).

[314] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025, Chapter 2, pp. 90-91. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[315] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021, p. 101. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[316] Marc Levy and Scott Bauer, Associated Press, "Following recounts, Trump remains winner in Wisconsin, Pennsylvania," PBS NewsHour, December 12, 2016. https://www.pbs.org/newshour/politics/following-recount-trump-still-wins-wisconsin (accessed November 12, 2026).

Trump over Hillary Clinton, with Trump adding 844 votes and Clinton 713.[317] An Associated Press report the day before put Trump's gain at 162 votes and said the final results "changed just 0.06 percent."[318] The Commission's own certification release gives the same net change of 131 votes; Chapter 18 quotes it.[319]

In 2020, the request came from the Republican side. On November 18, 2020, a presidential candidate trailing by 0.62 percent petitioned for recounts in Dane and Milwaukee counties and prepaid $3.0 million (nominal dollars), and the Commission ordered the recount the next day. Milwaukee County finished on November 27 and Dane County on November 29.[320] The Associated Press reported that the Trump campaign paid for the recount and that it "ended up increasing Biden's lead by 74 votes," with Biden winning the state by nearly 20,700 votes. Governor Tony Evers signed the certificate on November 30, 2020.[321]

What do these two recounts teach? Recounting millions of paper ballots found small differences and moved the margin by fewer than 200 votes. It did not change the winner in either year, whichever party asked for it.

Georgia 2020: When an Audit Became a Full Hand Count

Chapter 19 gives the result of Georgia's 2020 audit. Here I look at how it worked and what it caught. From November 11 to November 19, 2020, audit boards in all 159 Georgia counties sorted and counted every paper ballot in the presidential race, working through 41,881 batches.[322] VotingWorks, the nonprofit that supplied the audit software and wrote the report for the Secretary of State, gave these hand-count totals:

Georgia 2020 presidential hand tally (risk-limiting audit, November 2020)

Candidate	Hand-count total
Joe Biden	2,475,141
Donald Trump	2,462,857
Jo Jorgensen	62,587

[317] Matthew DeFour, Wisconsin State Journal, "Completed Wisconsin Recount Widens Trump's Lead," December 13, 2016, via Governing. https://www.governing.com/archive/tns-wisconsin-recount-trump.html (accessed November 12, 2026).

[318] Marc Levy and Scott Bauer, Associated Press, "Following recounts, Trump remains winner in Wisconsin, Pennsylvania," PBS NewsHour, December 12, 2016. https://www.pbs.org/newshour/politics/following-recount-trump-still-wins-wisconsin (accessed November 12, 2026).

[319] Wisconsin Elections Commission, "Wisconsin Recount Completed Ahead of Schedule With Relatively Small Changes to Final Totals," news release, December 12, 2016. https://elections.wi.gov/sites/default/files/legacy/news/nr_presidential_recount_certification_12_12_16_pdf_14958.pdf (accessed November 12, 2026).

[320] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021, pp. 101-102. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[321] Scott Bauer, Associated Press, "Wisconsin confirms Joe Biden as winner following recount," November 30, 2020, via KUTV. https://kutv.com/news/nation-world/bidens-win-over-trump-in-wisconsin-set-to-be-certified (accessed November 12, 2026).

[322] VotingWorks, "Risk-Limiting Audit Report: Georgia Presidential Contest, November 2020," November 19, 2020, p. 1. https://public-assets.voting.works/website/2020/11/georgia2020_report.pdf (accessed November 12, 2026).

Source: VotingWorks report for the Georgia Secretary of State.[323]

The report found a 0.1053 percent difference between the hand count and the machine count in total votes, and a 0.0099 percent difference in the margin. No county's margin differed by more than 0.73 percent.[324] The report is careful about what it proves. It says the audit "does not confirm or correct the exact margin of victory" and only shows that the correct winner was reported.[325]

The hand count also caught real mistakes. The Carter Center, the only nonpartisan organization credentialed to observe, sent 52 monitors to 25 counties.[326] It reported that in Fayette, Walton, Floyd and Douglas counties, officials found that scanner memory card data for about 3,000 votes had not been properly uploaded. The paper ballots were found and counted, and the counties reconciled their counts against the number of voters before the state certified. In Floyd County, a jammed scanner had a corrupted memory card, and about 2,600 ballots were rescanned.[327] The Center concluded that "ballot integrity was maintained," while calling for more consistent procedures for handling ballots and reconciling early and absentee votes.[328]

Not every expert was satisfied. In a 2024 paper, statistician Philip B. Stark argued that Georgia's machine recounts and hand audit did not prove who won, because of weak chain of custody, incomplete ballot accounting, and the state's use of ballot-marking devices for most voters, which he argued means even a perfect hand count might not show the true outcome. He did not claim fraud; his argument was that audits can become "security theater" without a trustworthy paper record.[329] As I read it, the two views answer different questions: the audit showed the paper and the machine count agreed, while Stark asks whether the paper itself was a fully reliable record.

When Officials Refused to Certify

What happens if the officials who are supposed to certify simply refuse? This happened twice in 2022, and in both cases courts stepped in.

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[323] VotingWorks, "Risk-Limiting Audit Report: Georgia Presidential Contest, November 2020," November 19, 2020, p. 1. https://public-assets.voting.works/website/2020/11/georgia2020_report.pdf (accessed November 12, 2026).

[324] VotingWorks, "Risk-Limiting Audit Report: Georgia Presidential Contest, November 2020," November 19, 2020, p. 1. https://public-assets.voting.works/website/2020/11/georgia2020_report.pdf (accessed November 12, 2026).

[325] VotingWorks, "Risk-Limiting Audit Report: Georgia Presidential Contest, November 2020," November 19, 2020, p. 1. https://public-assets.voting.works/website/2020/11/georgia2020_report.pdf (accessed November 12, 2026).

[326] The Carter Center, "The Georgia Risk-Limiting Audit/Hand Tally: A Carter Center Observation Report," November 2020, p. 4. https://cartercentee50c07c05.blob.core.windows.net/blobcartercentee50c07c05/wp-content/uploads/2021/04/georgia-audit-final-report-033121.pdf (accessed November 12, 2026).

[327] The Carter Center, "The Georgia Risk-Limiting Audit/Hand Tally: A Carter Center Observation Report," November 2020, pp. 32-33. https://cartercentee50c07c05.blob.core.windows.net/blobcartercentee50c07c05/wp-content/uploads/2021/04/georgia-audit-final-report-033121.pdf (accessed November 12, 2026).

[328] The Carter Center, "The Georgia Risk-Limiting Audit/Hand Tally: A Carter Center Observation Report," November 2020, pp. 33-34. https://cartercentee50c07c05.blob.core.windows.net/blobcartercentee50c07c05/wp-content/uploads/2021/04/georgia-audit-final-report-033121.pdf (accessed November 12, 2026).

[329] Philip B. Stark, "When Audits and Recounts Distract from Election Integrity: The 2020 U.S. Presidential Election in Georgia," arXiv:2408.00055, July 31, 2024 (revised September 5, 2024). https://arxiv.org/abs/2408.00055 (accessed November 12, 2026).

Otero County, New Mexico (June 2022)

After New Mexico's June 7, 2022, primary, the Otero County Commission voted not to certify the county's results. According to the New Mexico Secretary of State, the commission said it did not trust the vote tabulators but offered no evidence of any problem with them. The Secretary pointed to state law, which says county canvassing boards must certify unless there is proof of discrepancies.[330] On June 14, the Secretary asked the New Mexico Supreme Court for a writ of mandamus, a court order directing an official to perform a legal duty.[331] The court issued the writ, ordering the commission to "meet to approve the report of the canvass of the returns and declare the results" by Friday, June 17.[332] On June 17, the commission certified by a 2-1 vote. Commissioner Couy Griffin voted no, saying the commission had wanted to look at the technology inside the Dominion machines.[333]

Cochise County, Arizona (November and December 2022)

After the November 2022 general election, two Republican supervisors in Cochise County, Arizona, delayed the county canvass past the legal deadline. They did not cite problems with the results; they said they were "not satisfied that the machines used to tabulate ballots were properly certified for use in elections," while state and federal officials said the machines were certified.[334] On December 1, 2022, Judge Casey McGinley ordered the board to convene within 90 minutes and approve the canvass by the end of the day. The county certified that afternoon; Supervisor Peggy Judd voted to certify, saying she felt she must follow the judge, and Supervisor Tom Crosby was absent. The state then certified its results on December 5.[335]

This case went further than a court order. On November 29, 2023, Arizona Attorney General Kris Mayes announced that a state grand jury had indicted Judd and Crosby on felony charges of interference with an election officer and conspiracy, alleging that they conspired to delay the Cochise County canvass. The announcement noted that all defendants are presumed innocent

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[330] New Mexico Secretary of State, "Secretary of State Files Lawsuit Against Otero County Commission for Illegal Actions to Disenfranchise 2022 Primary Election Voters and Harm Primary Candidates," press release, June 14, 2022. https://www.sos.nm.gov/2022/06/14/secretary-of-state-files-lawsuit-against-otero-county-commission-for-illegal-actions-to-disenfranchise-2022-primary-election-voters-and-harm-primary-candidates/ (accessed November 12, 2026).

[331] New Mexico Secretary of State, "Secretary of State Files Lawsuit Against Otero County Commission for Illegal Actions to Disenfranchise 2022 Primary Election Voters and Harm Primary Candidates," press release, June 14, 2022. https://www.sos.nm.gov/2022/06/14/secretary-of-state-files-lawsuit-against-otero-county-commission-for-illegal-actions-to-disenfranchise-2022-primary-election-voters-and-harm-primary-candidates/ (accessed November 12, 2026).

[332] KOB 4, "New Mexico Supreme Court issues writ of mandamus against Otero County Commission," June 2022. https://www.kob.com/new-mexico/new-mexico-supreme-court-issues-writ-of-mandamus-against-otero-county-commission/ (accessed November 12, 2026).

[333] Jane C. Timm, "Under court order, GOP officials in New Mexico county certify election results," NBC News, June 17, 2022. https://www.nbcnews.com/politics/2022-election/court-order-gop-officials-new-mexico-county-certify-election-results-rcna34219 (accessed November 12, 2026).

[334] Associated Press, via KTAR News, "Cochise County canvasses midterm election results following judge orders," December 1, 2022. https://ktar.com/arizona-news/cochise-county-canvasses-midterm-election-results-following-judge-orders (accessed November 12, 2026).

[335] Associated Press, via KTAR News, "Cochise County canvasses midterm election results following judge orders," December 1, 2022. https://ktar.com/arizona-news/cochise-county-canvasses-midterm-election-results-following-judge-orders (accessed November 12, 2026).

until proven guilty.[336] On October 21, 2024, Judd pleaded guilty to "Failure or Refusal to Perform Duty by an Election Officer," a misdemeanor, and acknowledged that she failed to canvass the election as required by law. Her sentence was to be unsupervised probation of at least 90 days and a fine of up to $500 (nominal).[337] [Not verified: I searched the Arizona Attorney General's releases and news coverage for the final outcome of the charges against Tom Crosby and could not confirm it as of November 12, 2026.]

What These Cases Show

In both places, officials who refused to certify cited distrust of voting machines, and in both places courts ordered certification within days. In my reading, the record treats certification as a legal duty with a deadline; doubts about machines belong in audits, recounts and court contests, which require evidence. Both 2022 cases involved Republican officials. [Not verified: I looked for a comparable recent refusal to certify by Democratic-led officials in official records and did not find one, so I cannot say whether the pattern runs both ways.]

Recounts and Election Contests Are Different Things

A recount counts the ballots again; an election contest is a lawsuit. NCSL explains that a "contested election" does not mean a close race; it means a race in which a candidate challenges the outcome on legal grounds.[338] In states without a recount process, NCSL says, a defeated candidate's only remedy is to contest the result in court, and the court may order a recount.[339]

Some states set a bar for that. In Illinois, for example, NCSL summarizes the law this way: the court grants a recount petition if it is properly filed and "there appears a reasonable likelihood the recount will change the election results."[340] In short, a recount checks the arithmetic, while a contest asks a judge whether the law was broken badly enough to change who won.

The Checks, All in One Place

Step	What is checked	Who checks it
Registration	Identity numbers against state and Social Security records	State election office
Before the election	Machines tested with known ballots	Local officials, often with public watching
At the polls	Sign-ins matched against ballots cast	Poll workers

[336] Arizona Attorney General, "Attorney General Mayes Announces Grand Jury Indictment," November 29, 2023. https://www.azag.gov/press-release/attorney-general-mayes-announces-grand-jury-indictment (accessed November 12, 2026).

[337] Arizona Attorney General, "Attorney General Mayes Announces Plea Deal in Cochise County Election Interference Case," October 21, 2024. https://www.azag.gov/press-release/attorney-general-mayes-announces-plea-deal-cochise-county-election-interference-case (accessed November 12, 2026).

[338] National Conference of State Legislatures (NCSL), "Postelection Processes" (series page, updated October 26, 2022). https://www.ncsl.org/elections-and-campaigns/postelection-processes (accessed November 12, 2026).

[339] National Conference of State Legislatures (NCSL), "Election Recounts" (updated October 19, 2026). https://www.ncsl.org/elections-and-campaigns/election-recounts (accessed November 12, 2026).

[340] National Conference of State Legislatures (NCSL), "Election Recounts" (updated October 19, 2026). https://www.ncsl.org/elections-and-campaigns/election-recounts (accessed November 12, 2026).

Step	What is checked	Who checks it
Mail ballots	Signature and eligibility checked; duplicates rejected	Local election staff
Canvass	All records reviewed; problem ballots resolved	County board, usually in public
Audit	Paper ballots compared with machine totals	Local and state officials
Recount	Ballots counted again in close races	Officials, with candidates' observers
Records	Kept for 22 months after federal elections	Local officials

No step is perfect alone. The system is built so that mistakes or tampering at one step have a good chance of showing up at another. When people dispute a result, the question to ask is which of these checks failed, and what record shows it.

What to Take From This Chapter

- Election night numbers are unofficial. The official count comes from the canvass.
- Ballots are reconciled against sign-ins, mail ballot envelopes are checked, and duplicates are caught.
- Audits compare paper ballots with machine counts. Most states run some kind of audit, and a handful use risk-limiting audits.
- Recounts are mostly triggered by very close margins.

Part Three: The Electoral College

Americans do not elect their president directly. They elect electors, who then elect the president. This system, known as the Electoral College, decides every presidential race, and in five elections the candidate with the most popular votes nationwide did not win.

Chapter 8 explains why the Electoral College exists and how it works today. Chapter 9 covers the close calls, the split results, faithless electors and the arguments for keeping or changing the system.

Chapter 8: Why the Electoral College Exists and How It Works

A Compromise at the Convention

The delegates who wrote the Constitution in 1787 argued over how to choose a president. Some wanted Congress to choose. Others wanted the people to vote directly. The National Archives describes the result as "a compromise between the election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens."[341]

Alexander Hamilton defended the plan in The Federalist No. 68, one of the essays written to persuade New Yorkers to ratify the Constitution. He argued that having electors chosen for that one purpose would make the process more careful, writing that "the process of election affords a moral certainty" that the office would go to someone well qualified.[342]

Hamilton's essay, printed in the New York Packet on March 14, 1788, gave more reasons for the design. One was that the choice should still reflect the people's wishes. He wrote that "the sense of the people should operate in the choice," by giving the decision "not to any preestablished body, but to men chosen by the people for the special purpose."[343]

Another was keeping order. Because electors would meet in their own states instead of all in one place, Hamilton argued, their "detached and divided situation" would expose them less "to heats and ferments" that could spread to the public.[344]

A third was protection from outside meddling. Hamilton warned that the "most deadly adversaries of republican government" would come "chiefly from the desire in foreign powers to gain an improper ascendant in our councils." His answer was to keep the choice away from any group that existed ahead of time and "might be tampered with beforehand," and to bar any "senator, representative, or other person holding a place of trust or profit under the United States" from serving as an elector.[345]

Hamilton also explained what would happen if no one won a majority. Under the plan as written in 1788, the House would choose "out of the candidates who shall have the five highest number

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[341] National Archives, Office of the Federal Register, "What is the Electoral College?," last reviewed May 19, 2025. https://www.archives.gov/electoral-college/about (accessed November 12, 2026).

[342] Alexander Hamilton, The Federalist No. 68, "The Mode of Electing the President," New York Packet, March 14, 1788, text via the Avalon Project, Yale Law School. https://avalon.law.yale.edu/18th_century/fed68.asp (accessed November 12, 2026).

[343] Alexander Hamilton, The Federalist No. 68, "The Mode of Electing the President," New York Packet, March 14, 1788, text via the Avalon Project, Yale Law School. https://avalon.law.yale.edu/18th_century/fed68.asp (accessed November 12, 2026).

[344] Alexander Hamilton, The Federalist No. 68, "The Mode of Electing the President," New York Packet, March 14, 1788, text via the Avalon Project, Yale Law School. https://avalon.law.yale.edu/18th_century/fed68.asp (accessed November 12, 2026).

[345] Alexander Hamilton, The Federalist No. 68, "The Mode of Electing the President," New York Packet, March 14, 1788, text via the Avalon Project, Yale Law School. https://avalon.law.yale.edu/18th_century/fed68.asp (accessed November 12, 2026).

of votes."[346] The 12th Amendment later cut that to the top three, as the section on contingent elections below explains.[347]

What the Constitution Says

Each state gets a number of electors equal to its total number of senators and representatives in Congress.[348] The District of Columbia has had electors since the 23rd Amendment, but no more than the smallest state.[349] Members of Congress and other federal officeholders may not serve as electors.[350]

Each state appoints its electors "in such Manner as the Legislature thereof may direct."[351] Today every state uses a popular vote to choose its electors, though Maine and Nebraska choose some of theirs by congressional district, as explained below.[352]

The Original Flaw and the 12th Amendment

Under the original Constitution, each elector cast two votes for president. The person with the most votes became president, and the runner-up became vice president. That design broke down quickly. In 1800, every elector who voted for Thomas Jefferson also voted for his running mate, Aaron Burr. As the Supreme Court later put it, that produced "a tie," which "threw the election into the House of Representatives, which took no fewer than 36 ballots to elect Jefferson."[353]

The 12th Amendment fixed the problem by having electors cast separate votes for president and vice president. It was passed by Congress on December 9, 1803, and ratified June 15, 1804.[354]

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[346] Alexander Hamilton, The Federalist No. 68, "The Mode of Electing the President," New York Packet, March 14, 1788, text via the Avalon Project, Yale Law School. https://avalon.law.yale.edu/18th_century/fed68.asp (accessed November 12, 2026).

[347] Congressional Research Service, "Contingent Election of the President and Vice President by Congress: Perspectives and Contemporary Analysis," Report R40504, by Thomas H. Neale, updated October 6, 2020. https://www.everycrsreport.com/reports/R40504.html (accessed November 12, 2026).

[348] National Archives, "The Constitution of the United States: A Transcription", Article II, Section 1. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[349] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XXIII. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[350] National Archives, "The Constitution of the United States: A Transcription", Article II, Section 1. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[351] National Archives, "The Constitution of the United States: A Transcription", Article II, Section 1. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[352] National Archives, Office of the Federal Register, "What is the Electoral College?," last reviewed May 19, 2025. https://www.archives.gov/electoral-college/about (accessed November 12, 2026).

[353] Chiafalo v. Washington, 591 U.S. 578 (2020), opinion via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/19-465 (accessed November 12, 2026).

[354] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XII. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

How It Works Today

Here are the basic numbers and dates:

- There are 538 electors. A candidate needs a majority, 270, to win.[355]
- Most states give all of their electors to whichever candidate wins the state's popular vote. This is called winner-take-all. Maine and Nebraska each use a variation that splits electors by congressional district.[356]
- The electors meet in their own states and vote "on the first Tuesday after the second Wednesday in December."[357]
- Their votes are counted "in a joint session of Congress on the 6th of January in the year following the meeting of the electors."[358]
- If no candidate wins 270 electoral votes, "under the 12th Amendment to the Constitution the House of Representatives decides."[359] In that vote, each state's House delegation casts one vote.[360]

You might ask, "So when I vote for president, who am I actually voting for?" You are voting for a slate of electors pledged to your candidate. In most states, the electors' names do not appear on the ballot.

How Maine and Nebraska Split Their Votes

Maine and Nebraska are the two exceptions to winner-take-all. According to the National Archives, they "appoint individual electors based on the winner of the popular vote within each Congressional district," and then choose two "at-large" electors based on "the winner of the overall state-wide popular vote."[361]

Here is what that means in practice. A state's electors equal its House seats plus its two senators.[362] Under the district method, one elector goes to the winner of each congressional

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[355] National Archives, Office of the Federal Register, "What is the Electoral College?," last reviewed May 19, 2025. https://www.archives.gov/electoral-college/about (accessed November 12, 2026).

[356] National Archives, Office of the Federal Register, "What is the Electoral College?," last reviewed May 19, 2025. https://www.archives.gov/electoral-college/about (accessed November 12, 2026).

[357] National Archives, Office of the Federal Register, "What is the Electoral College?," last reviewed May 19, 2025. https://www.archives.gov/electoral-college/about (accessed November 12, 2026).

[358] National Archives, Office of the Federal Register, "What is the Electoral College?," last reviewed May 19, 2025. https://www.archives.gov/electoral-college/about (accessed November 12, 2026).

[359] National Archives, Office of the Federal Register, "Electoral College Timeline of Events," last reviewed August 7, 2023. https://www.archives.gov/electoral-college/key-dates (accessed November 12, 2026).

[360] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XII. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[361] National Archives, Office of the Federal Register, "Distribution of Electoral Votes," last reviewed November 4, 2024. https://www.archives.gov/electoral-college/allocation (accessed November 12, 2026).

[362] National Archives, "The Constitution of the United States: A Transcription", Article II, Section 1. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

district, and the two extra electors go to the statewide winner.[363] So a candidate who loses one of these states overall can still win some of its electoral votes.

The Calendar From Election Day to Inauguration

The process runs for about ten weeks after Election Day. The National Archives lists these key dates for the 2024 election.[364]

Electoral College key dates for the 2024 election

Date	Step
November 5, 2024	Election Day
By December 11, 2024	States issue certificates of ascertainment
December 17, 2024	Electors vote in their states
December 25, 2024	Electoral votes arrive
On or before January 3, 2025	Archivist transfers the certificates to Congress
January 6, 2025	Congress counts the electoral votes
January 20, 2025, at noon	Inauguration Day

Source: National Archives, Electoral College timeline.[365]

Each date comes from a rule. Electors meet "on the first Tuesday after the second Wednesday in December," at a place set "in accordance with the laws of the State enacted prior to election day."[366] The House and Senate meet together "at the hour of 1 o'clock in the afternoon" on January 6 to count the votes.[367]

The Paperwork: Two Kinds of Certificates

You might ask, "How does Congress know who a state's real electors are?" The answer is paperwork, and there are two kinds.

The first is the certificate of ascertainment. Federal law says "the executive of each State shall issue a certificate of ascertainment of appointment of electors" no later than six days before the electors meet. It must "set forth the names of the electors appointed and the canvass or other

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[363] National Archives, Office of the Federal Register, "Distribution of Electoral Votes," last reviewed November 4, 2024. https://www.archives.gov/electoral-college/allocation (accessed November 12, 2026).

[364] National Archives, Office of the Federal Register, "Electoral College Timeline of Events," last reviewed August 7, 2023. https://www.archives.gov/electoral-college/key-dates (accessed November 12, 2026).

[365] National Archives, Office of the Federal Register, "Electoral College Timeline of Events," last reviewed August 7, 2023. https://www.archives.gov/electoral-college/key-dates (accessed November 12, 2026).

[366] 3 U.S. Code Section 7, "Meeting and vote of electors" (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/7 (accessed November 12, 2026).

[367] 3 U.S. Code Section 15 (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/15 (accessed November 12, 2026).

determination under the laws of such State," it must "bear the seal of the State," and it must "contain at least one security feature, as determined by the State."[368]

The second is the certificate of vote. After the electors vote, they sign certificates listing their votes for president and vice president, attach the certificate of ascertainment, and send the sets out by the fastest available method. One set goes to the President of the Senate, who is the vice president of the United States; two go to the state's chief election officer; two go to the Archivist of the United States; and one goes to the federal judge for the district where the electors met.[369] In each pair, one copy is held for the President of the Senate and the other is kept on file for a year and open to the public.[370]

If No One Gets 270: The Contingent Election

If no candidate wins a majority of electoral votes, the choice moves to Congress. This is called a contingent election. According to the Congressional Research Service, "Each state, regardless of population, casts a single vote for President in a contingent election," and "A majority of state votes, 26 or more, is required to elect."[371] The House chooses among the top three electoral vote winners.[372] The Senate chooses the vice president from the top two, and the winner needs a majority of the whole Senate, 51 votes or more.[373]

The CRS report describes the two times the House has chosen a president. In 1801, after the Jefferson-Burr tie, "The final tally was Jefferson, 10 states, and Burr, 4, with 2 states divided." In 1825, "Adams was chosen on the first ballot, with 13 state votes to Jackson's seven, and four for Crawford."[374]

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[368] 3 U.S. Code Section 5, "Certificate of ascertainment of appointment of electors" (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/5 (accessed November 12, 2026).

[369] 3 U.S. Code Section 11 (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/11 (accessed November 12, 2026).

[370] 3 U.S. Code Section 11 (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/11 (accessed November 12, 2026).

[371] Congressional Research Service, "Contingent Election of the President and Vice President by Congress: Perspectives and Contemporary Analysis," Report R40504, by Thomas H. Neale, updated October 6, 2020. https://www.everycrsreport.com/reports/R40504.html (accessed November 12, 2026).

[372] Congressional Research Service, "Contingent Election of the President and Vice President by Congress: Perspectives and Contemporary Analysis," Report R40504, by Thomas H. Neale, updated October 6, 2020. https://www.everycrsreport.com/reports/R40504.html (accessed November 12, 2026).

[373] Congressional Research Service, "Contingent Election of the President and Vice President by Congress: Perspectives and Contemporary Analysis," Report R40504, by Thomas H. Neale, updated October 6, 2020. https://www.everycrsreport.com/reports/R40504.html (accessed November 12, 2026).

[374] Congressional Research Service, "Contingent Election of the President and Vice President by Congress: Perspectives and Contemporary Analysis," Report R40504, by Thomas H. Neale, updated October 6, 2020. https://www.everycrsreport.com/reports/R40504.html (accessed November 12, 2026).

There is no rulebook waiting on a shelf. As CRS puts it, "Rules adopted for past contingent elections would offer guidance, but would not be considered binding in any future contingent election."[375]

The Counting Rules: 1887 and 2022

The Constitution says the electoral votes are opened in front of Congress and "the Votes shall then be counted," but says little about how to handle disputes.[376] After the disputed election of 1876, which Chapter 14 covers, Congress passed the Electoral Count Act of 1887 to set rules for counting.[377]

After January 6, 2021, Congress rewrote those rules in the Electoral Count Reform Act of 2022. The National Archives summarizes key changes:

- The vice president, who presides over the count, does so "in a strictly ministerial manner," meaning the vice president has no power to accept or reject electoral votes.[378]
- An objection to a state's electoral votes must now be "signed by at least one-fifth of the Senators and one-fifth of the members of the House of Representatives." Under the old law, one member of each chamber was enough.[379]
- The law "provided for expedited court action if one or more of the candidates disputes the election results."[380]

The 2022 law also says that "the executive of each State shall issue a certificate of ascertainment" of its electors, no later than six days before the electors meet. That certificate is what Congress counts, which makes it harder for a rival group to present itself as a state's electors.[381] Chapter 19 explains why that mattered after 2020.

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[375] Congressional Research Service, "Contingent Election of the President and Vice President by Congress: Perspectives and Contemporary Analysis," Report R40504, by Thomas H. Neale, updated October 6, 2020. https://www.everycrsreport.com/reports/R40504.html (accessed November 12, 2026).

[376] National Archives, "The Constitution: Amendments 11-27," page last reviewed November 20, 2025, Amendment XII. https://www.archives.gov/founding-docs/amendments-11-27 (accessed November 12, 2026).

[377] Congressional Research Service, "The Electoral Count Act and Presidential Elections," Insight IN12065, December 19, 2022. https://www.everycrsreport.com/reports/IN12065.html (accessed November 12, 2026).

[378] National Archives, Office of the Federal Register, "What is the Electoral College?," last reviewed May 19, 2025. https://www.archives.gov/electoral-college/about (accessed November 12, 2026).

[379] National Archives, Office of the Federal Register, "Electoral College: Frequently Asked Questions," last reviewed January 13, 2026. https://www.archives.gov/electoral-college/faq (accessed November 12, 2026).

[380] National Archives, Office of the Federal Register, "Electoral College: Frequently Asked Questions," last reviewed January 13, 2026. https://www.archives.gov/electoral-college/faq (accessed November 12, 2026).

[381] 3 U.S. Code Section 5, "Certificate of ascertainment of appointment of electors" (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/5 (accessed November 12, 2026).

Old Rules and New Rules Side by Side

The 2022 law changed more than the vice president's role. A December 2022 CRS summary of the old law, written while the reform bill was still pending, makes a side-by-side comparison possible.[382]

The Electoral Count Act of 1887 compared with the Electoral Count Reform Act of 2022

Topic	Old law (1887)	New law (2022)
Who must sign an objection	One senator and one House member	One-fifth of senators and one-fifth of House members
Grounds for an objection	Any ground stated in writing	Only two: the electors were not lawfully certified, or a vote was not regularly given
Day the electors meet	First Monday after the second Wednesday in December	First Tuesday after the second Wednesday in December
Which state record controls	State decisions made at least six days before electors met were conclusive (the "safe harbor")	The executive's certificate of ascertainment is treated as conclusive in Congress
Court challenges	No special federal process	A candidate may sue before a three-judge federal court, with direct review by the Supreme Court
Role of the presiding officer	Opened the certificates and announced the result	Solely ministerial; no power to decide disputes alone

Sources: CRS summary of the 1887 act and the current text of 3 U.S. Code Sections 5, 7 and 15.[383]

One more detail is easy to miss. If some electors are thrown out, or a state fails to appoint them, the number used "for the purpose of determining a majority of the whole number of electors appointed" goes down by that many.[384] In plain terms, rejecting a state's votes does not by itself push the election into the House, because the target number shrinks too.

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[382] Congressional Research Service, "The Electoral Count Act and Presidential Elections," Insight IN12065, December 19, 2022. https://www.everycrsreport.com/reports/IN12065.html (accessed November 12, 2026).

[383] Congressional Research Service, "The Electoral Count Act and Presidential Elections," Insight IN12065, December 19, 2022. https://www.everycrsreport.com/reports/IN12065.html (accessed November 12, 2026). 3 U.S. Code Section 5, "Certificate of ascertainment of appointment of electors" (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/5 (accessed November 12, 2026). 3 U.S. Code Section 7, "Meeting and vote of electors" (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/7 (accessed November 12, 2026). 3 U.S. Code Section 15 (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/15 (accessed November 12, 2026).

[384] 3 U.S. Code Section 15 (as amended by the Electoral Count Reform Act of 2022), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/3/15 (accessed November 12, 2026).

What to Take From This Chapter

- The Electoral College was a compromise between election by Congress and election by the people.
- There are 538 electors and it takes 270 to win. Nearly every state gives all its electors to the statewide winner.
- The 12th Amendment fixed a flaw that produced the tied election of 1800.
- The Electoral Count Reform Act of 2022 made the vice president's role in the count ministerial and raised the bar for objections.

Chapter 9: Close Calls, Split Results and the Debate

When the Popular Vote Winner Lost

The National Archives' Electoral College FAQ points to five elections in which the candidate with the most popular votes nationwide did not become president: 1824, 1876, 1888, 2000 and 2016.[385]

Election	Electoral vote result	What happened
1824	Andrew Jackson 99, John Quincy Adams 84, William Crawford 41, Henry Clay 37	No one had a majority of the 261 electoral votes. The House chose Adams.[386]
1876	Rutherford B. Hayes 185, Samuel Tilden 184	Electoral votes from four states were disputed and sent to a special Electoral Commission. See Chapter 14.[387]
1888	Benjamin Harrison 233, Grover Cleveland 168	Harrison won the Electoral College.[388]
2000	George W. Bush 271, Al Gore 266	One elector from the District of Columbia cast a blank ballot. See Chapter 16.[389]
2016	Donald Trump 304, Hillary Clinton 227	Seven electors cast "faithless" votes for other people.[390]

For 2000, the National Archives says plainly that "George W. Bush received fewer popular votes than Albert Gore Jr., but received a majority of electoral votes."[391]

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[385] National Archives, Office of the Federal Register, "Electoral College: Frequently Asked Questions," last reviewed January 13, 2026. https://www.archives.gov/electoral-college/faq (accessed November 12, 2026).

[386] National Archives, "1824 Electoral College Results," last reviewed July 3, 2024. https://www.archives.gov/electoral-college/1824 (accessed November 12, 2026).

[387] National Archives, "1876 Electoral College Results," last reviewed June 27, 2024. https://www.archives.gov/electoral-college/1876 (accessed November 12, 2026).

[388] National Archives, "1888 Electoral College Results," last reviewed June 27, 2024. https://www.archives.gov/electoral-college/1888 (accessed November 12, 2026).

[389] National Archives, "2000 Electoral College Results," last reviewed January 20, 2022. https://www.archives.gov/electoral-college/2000 (accessed November 12, 2026).

[390] National Archives, "2016 Electoral College Results," last reviewed January 11, 2021. https://www.archives.gov/electoral-college/2016 (accessed November 12, 2026).

[391] National Archives, "2000 Electoral College Results," last reviewed January 20, 2022. https://www.archives.gov/electoral-college/2000 (accessed November 12, 2026).

Faithless Electors

A faithless elector is one who votes for someone other than the candidate they were pledged to. In 2016, there were faithless votes for president in Hawaii, Texas and Washington.[392] The Supreme Court noted that "only seven electors across the Nation cast faithless votes" that year.[393]

Can states stop that? In Chiafalo v. Washington, decided July 6, 2020, the Supreme Court said yes. Justice Elena Kagan wrote for the Court that a state may penalize an elector who breaks a pledge: "We hold that a State may do so."[394] No justice disagreed with the result; Justice Clarence Thomas agreed with the outcome for different reasons.[395] At the time, the Court noted, 15 states had laws that could remove or penalize faithless electors.[396]

How often has this happened? In the Chiafalo case, the electors challenging the state laws pointed out that "electors have cast some 180 faithless votes for either President or Vice President." The Court answered, "But that is 180 out of over 23,000." It added that "more than a third of the faithless votes come from 1872, when the Democratic Party's nominee (Horace Greeley) died just after Election Day," and that "faithless votes have never come close to affecting an outcome."[397]

States have kept acting since then. NCSL reported in July 2026 that Connecticut, Maryland, Oregon and South Dakota "have enacted new faithless elector laws or made substantial changes to existing ones in 2026."[398]

The Argument for Keeping the Electoral College

Supporters of the Electoral College make several main arguments. I give them in summary here, with sources from the side that makes them.

- **It reflects a federal system.** The United States is a union of states, and the Electoral College makes candidates win states, not just a national tally. Opponents of a national popular vote say replacing it would undermine the role and authority of the states.[399]

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[392] National Archives, "2016 Electoral College Results," last reviewed January 11, 2021. https://www.archives.gov/electoral-college/2016 (accessed November 12, 2026).

[393] Chiafalo v. Washington, 591 U.S. 578 (2020), opinion via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/19-465 (accessed November 12, 2026).

[394] Chiafalo v. Washington, 591 U.S. 578 (2020), opinion via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/19-465 (accessed November 12, 2026).

[395] Chiafalo v. Washington, 591 U.S. 578 (2020), opinion via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/19-465 (accessed November 12, 2026).

[396] Chiafalo v. Washington, 591 U.S. 578 (2020), opinion via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/19-465 (accessed November 12, 2026).

[397] Chiafalo v. Washington, 591 U.S. 578 (2020), opinion via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/19-465 (accessed November 12, 2026).

[398] King, Nelson and Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

- **It makes candidates build broad coalitions.** Supporters argue that without it, candidates could focus on the most populous areas and ignore smaller states and rural voters. [Not verified] I did not find this argument stated in the neutral sources I used, so I give it here only as a commonly heard view, not as a sourced summary.
- **It contains disputes.** Opponents of a national popular vote warn that it could lead to more disputed elections and contentious recounts, because a close national total could put every state's count in play.[400]
- **The founders chose it on purpose**, as Hamilton's defense in The Federalist No. 68 shows.[401]

The Argument for Changing It

Critics make their own main arguments, again in summary, with sources from the side that makes them.

- **Every vote should count the same.** Under the Electoral College, a vote in a closely divided state can matter much more than a vote in a state that is safe for one party.[402]
- **The popular vote winner can lose**, as happened five times.[403]
- **Campaigns ignore most states.** Critics say candidates spend most of their time and money in a handful of swing states.[404]

What the Polls Say

Polls on the Electoral College show why wording matters. In a poll taken September 3 to 15, 2024, Gallup found that 58 percent of U.S. adults favored "amending the Constitution to elect presidents based on the popular vote," while 39 percent favored "keeping the current system where the winner is determined by Electoral College votes." The poll reached 1,007 adults by telephone, with a margin of error of plus or minus 4 percentage points.[405] Those quoted words are the article's description of the two choices. Gallup posts the full question text in a separate file, which I did not open.

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[399] Congressional Research Service, "The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact," Report R43823, updated October 28, 2019. https://www.everycrsreport.com/reports/R43823.html (accessed November 12, 2026).

[400] Congressional Research Service, "The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact," Report R43823, updated October 28, 2019. https://www.everycrsreport.com/reports/R43823.html (accessed November 12, 2026).

[401] Alexander Hamilton, The Federalist No. 68, "The Mode of Electing the President," New York Packet, March 14, 1788, text via the Avalon Project, Yale Law School. https://avalon.law.yale.edu/18th_century/fed68.asp (accessed November 12, 2026).

[402] National Popular Vote (advocacy organization supporting the compact), "Status of National Popular Vote Bill in Each State". https://www.nationalpopularvote.com/state-status (accessed November 12, 2026).

[403] National Archives, Office of the Federal Register, "Electoral College: Frequently Asked Questions," last reviewed January 13, 2026. https://www.archives.gov/electoral-college/faq (accessed November 12, 2026).

[404] National Popular Vote (advocacy organization supporting the compact), "Status of National Popular Vote Bill in Each State". https://www.nationalpopularvote.com/state-status (accessed November 12, 2026).

[405] Jeffrey M. Jones, "Americans Still Favor Replacing Electoral College System," Gallup, September 27, 2024. https://news.gallup.com/poll/651353/americans-favor-replacing-electoral-college-system.aspx (accessed November 12, 2026).

Older Gallup polls used different words and mostly found more support. In November 1968, 80 percent of adults said they "would approve" of an amendment to "do away with the Electoral College and base the election of a president on the total vote cast throughout the nation." With that wording, support ranged from 58 percent in January 1967 to 73 percent in January 1977.[406]

The biggest change is the party split. In 2024, 82 percent of Democrats favored a popular-vote amendment, compared with 32 percent of Republicans.[407] In Gallup's polls from the 1960s through the 1980s, by contrast, "an average of 70% of Republicans and 66% of Democrats (and 74% of independents) approved" of the change. Gallup's reading is that partisans' preferences "are generally aligned with whichever format would tend to benefit their party in presidential elections."[408]

Ways to Change It

There are two main routes.

A constitutional amendment. This would need two-thirds of both houses of Congress and ratification by three-fourths of the states.[409] Public support for a direct popular vote has been high at times; the National Archives notes polls showing support of "58 percent in 1967; 81 percent in 1968; and 75 percent in 1981."[410] No amendment has passed.

The National Popular Vote Interstate Compact. This is an agreement among states to give their electors to the winner of the national popular vote, but only once states with a majority of electoral votes (270) have joined. According to the group that promotes it, the compact "has been enacted into law in 19 jurisdictions possessing 222 electoral votes," and it "will take effect when enacted by states possessing an additional 48 electoral votes."[411] That count includes Virginia, so older figures you may see elsewhere are out of date.[412] Opponents call the compact an "end run" around the Constitution, and some observers say it must be approved by Congress "because it is an interstate compact." Supporters of the compact reply that

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[406] Jeffrey M. Jones, "Americans Still Favor Replacing Electoral College System," Gallup, September 27, 2024. https://news.gallup.com/poll/651353/americans-favor-replacing-electoral-college-system.aspx (accessed November 12, 2026).

[407] Jeffrey M. Jones, "Americans Still Favor Replacing Electoral College System," Gallup, September 27, 2024. https://news.gallup.com/poll/651353/americans-favor-replacing-electoral-college-system.aspx (accessed November 12, 2026).

[408] Jeffrey M. Jones, "Americans Still Favor Replacing Electoral College System," Gallup, September 27, 2024. https://news.gallup.com/poll/651353/americans-favor-replacing-electoral-college-system.aspx (accessed November 12, 2026).

[409] National Archives, "The Constitution of the United States: A Transcription", Article V. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[410] National Archives, Office of the Federal Register, "Electoral College History". https://www.archives.gov/electoral-college/history (accessed November 12, 2026).

[411] National Popular Vote (advocacy organization supporting the compact), "Status of National Popular Vote Bill in Each State". https://www.nationalpopularvote.com/state-status (accessed November 12, 2026).

[412] National Popular Vote (advocacy organization supporting the compact), "Status of National Popular Vote Bill in Each State". https://www.nationalpopularvote.com/state-status (accessed November 12, 2026).

congressional approval is not needed because it concerns how states appoint their electors.[413] As of November 12, 2026, the compact had not taken effect.

I do not recommend either path. Part Eight lists the reform options side by side.

The Closest Call: 1969 and 1970

The nearest Congress has come to replacing the Electoral College followed the 1968 election. The Office of the Historian of the House of Representatives notes that Richard Nixon won 301 electoral votes with about 43 percent of the popular vote, and that for much of the campaign the third-party candidate, George Wallace, looked able to deny anyone a majority and send the race to the House.[414]

On September 18, 1969, the House passed H.J. Res. 681, a proposed amendment for direct election of the president, by 338 to 70. If no candidate won at least 40 percent of the national vote, a runoff would decide the race.[415] In the Historian's words, "The measure never made it out of the Senate."[416] Many accounts say it died in a Senate filibuster in 1970. [Not verified: I searched Senate.gov, Congress.gov and GovInfo for an official record of the 1970 Senate cloture votes and could not open one, so I give no vote counts.]

The Legal Questions About the Compact

A 2019 Congressional Research Service report lays out the legal arguments over the National Popular Vote compact.[417]

Does it need Congress's consent? The Constitution says no state shall, "without the Consent of Congress," enter "into any Agreement or Compact with another State."[418] Professor Akhil Amar argues that member states are "merely exercising power collectively that each state could exercise on its own." Critics argue the compact would cause "a vertical alteration of power" by removing the chance that the House decides an election, and that "the initiative diminishes the power of nonconsenting states."[419]

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[413] Congressional Research Service, "The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact," Report R43823, updated October 28, 2019. https://www.everycrsreport.com/reports/R43823.html (accessed November 12, 2026).

[414] U.S. House of Representatives, Office of the Historian, "A Constitutional Amendment to Abolish the Electoral College," Historical Highlight, September 18, 1969. https://history.house.gov/HistoricalHighlight/Detail/25769816548 (accessed November 12, 2026).

[415] U.S. House of Representatives, Office of the Historian, "A Constitutional Amendment to Abolish the Electoral College," Historical Highlight, September 18, 1969. https://history.house.gov/HistoricalHighlight/Detail/25769816548 (accessed November 12, 2026).

[416] U.S. House of Representatives, Office of the Historian, "A Constitutional Amendment to Abolish the Electoral College," Historical Highlight, September 18, 1969. https://history.house.gov/HistoricalHighlight/Detail/25769816548 (accessed November 12, 2026).

[417] Congressional Research Service, "The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact," Report R43823, updated October 28, 2019. https://www.everycrsreport.com/reports/R43823.html (accessed November 12, 2026).

[418] National Archives, "The Constitution of the United States: A Transcription", Article I, Section 10. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[419] Congressional Research Service, "The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact," Report R43823, updated October 28, 2019. https://www.everycrsreport.com/reports/R43823.html (accessed November 12, 2026).

What about the states' power over electors? Supporters argue that this broad power "necessarily allows states to select electors in line with the results of the national popular vote." Critics answer that a compact state's electors "might not be a product of the views of the state at the time of the election."[420]

What about recounts? The report quotes a study by the Heritage Foundation, a conservative think tank, warning that "any suspicions necessitating a recount in even a single district would be an incentive for a national recount."[421]

None of these questions has been tested in court, because the compact has never taken effect.

What to Take From This Chapter

- Five times, the popular vote winner did not become president: 1824, 1876, 1888, 2000 and 2016.
- States may require electors to keep their pledges, the Supreme Court ruled in 2020.
- Supporters say the Electoral College protects the federal system and contains disputes. Critics say every vote should count the same.
- Changing it would take a constitutional amendment, or enough states joining the popular vote compact.

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[420] Congressional Research Service, "The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact," Report R43823, updated October 28, 2019. https://www.everycrsreport.com/reports/R43823.html (accessed November 12, 2026).

[421] Congressional Research Service, "The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact," Report R43823, updated October 28, 2019. https://www.everycrsreport.com/reports/R43823.html (accessed November 12, 2026).

Part Four: The Rules on ID, Mail Voting and Voter Lists

Some of the hottest election arguments today are not about who won. They are about the rules: whether voters should have to show identification, how easy mail voting should be, and how hard states should work to clean their voter lists. Each side often claims the research is on its side.

Part Four sets out what the rules are as of November 12, 2026 and what the research actually shows. Chapter 10 covers voter ID. Chapter 11 covers mail and early voting, including the 2026 court rulings and executive orders. Chapter 12 covers voter lists and citizenship checks.

Chapter 10: Voter ID

The information in this chapter is current as of November 12, 2026.

What the Rules Are

Voter ID rules come in many forms. Some states ask for a photo ID. Some accept non-photo documents such as a utility bill or bank statement. Some ask for ID but let a voter without one sign a sworn statement and vote a regular ballot. Others require a voter without ID to cast a provisional ballot and return within a few days with an acceptable ID. And some states do not ask for documents at the polls at all; they check identity by signature or by asking the voter to state their name and address.

The National Conference of State Legislatures (NCSL) keeps a state-by-state table of these rules. As of NCSL's update of September 3, 2026, "Thirty-six states have laws requesting or requiring voters to show some form of identification at the polls."[422] The other 14 states and the District of Columbia use other ways to confirm identity, such as a signature.[423] The table listed 36 states with a law requesting or requiring some form of identification at the polls.[424] The entries show how wide the range is. Delaware lists "No defined list of acceptable documentation" and asks only for "proof of identity." Indiana requires a photo ID issued by the state or the federal government.[425] Rules also change often. Florida, for example, has a change to its list of acceptable IDs that takes effect January 1, 2027.[426]

NCSL also sorts the laws into groups. It reports that "24 states ask for a photo ID and 12 states also accept non-photo IDs."[427] It calls a law "strict" when a voter without the required ID must take an extra step after Election Day for the ballot to count. By that test, 10 states had strict photo ID laws: Arkansas, Georgia, Indiana, Kansas, Mississippi, New Hampshire, North Carolina, Ohio, Tennessee and Wisconsin. Four had strict non-photo laws: Arizona, Iowa, North Dakota and Wyoming.[428] NCSL notes that some people count Alabama and Wyoming as strict photo states, so you will see different totals in different places.[429] Louisiana is set to become the

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[422] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[423] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[424] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[425] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[426] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[427] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[428] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[429] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

11th strict photo ID state starting in 2027.[430] If you want to know your own state's rule, Appendix C shows how to check it.

What Happens If You Arrive Without ID

NCSL's state table shows how much the details differ, even among strict states.[431]

Georgia: a voter without acceptable photo ID can vote a provisional ballot and has "up to three days after the election" to show ID at the county registrar's office.[432]
Mississippi: the voter casts an affidavit ballot, which counts if the voter returns to the circuit clerk "within five days after the election" with a government-issued photo ID.[433]
Wisconsin: the voter may bring ID to the municipal clerk "no later than 4 p.m. on the Friday following Election Day."[434]

Some states offer a way around the extra trip. In South Carolina, a voter with a "reasonable impediment" to getting a photo ID, such as a disability, lack of transportation or a missing birth certificate, can sign an affidavit and cast a provisional ballot that will be counted "unless the county election commission has reason to believe your affidavit is false."[435] Tennessee lets "a voter who is indigent and unable to obtain proof of identification without payment of a fee" sign an affidavit of identity and vote.[436] Indigent means too poor to pay.

What an ID Costs

Some states offer a free ID for voting. Georgia's list, for example, includes a "Free voter ID card issued by the state or county."[437] Other IDs cost money. The GAO looked at 17 states that required photo or government-issued ID and did not let voters affirm their own identity, and found that "driver's license direct costs, for example, range from $14.50 to $58.50." Those are nominal 2014 dollars.[438]

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[430] King, Nelson and Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

[431] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[432] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[433] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[434] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[435] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[436] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[437] National Conference of State Legislatures (NCSL), "Voter ID" (updated September 3, 2026). https://www.ncsl.org/elections-and-campaigns/voter-id (accessed November 12, 2026).

[438] U.S. Government Accountability Office, "Elections: Issues Related to State Voter Identification Laws," GAO-14-634, September 19, 2014 (reissued February 27, 2015). https://www.gao.gov/products/gao-14-634 (accessed November 12, 2026).

The documents needed to get an ID can cost money too. In his Crawford dissent, Justice David Souter wrote that "Indiana counties charge anywhere from $3 to $12 for a birth certificate," in 2008 nominal dollars, and concluded that "most voters must pay at least one fee to get the ID necessary to cast a regular ballot."[439] The lead opinion answered that "the record does not provide even a rough estimate of how many indigent voters lack copies of their birth certificates."[440]

What the Supreme Court Has Said

In Crawford v. Marion County Election Board, decided April 28, 2008, the Supreme Court upheld Indiana's photo ID law against a challenge that it burdened the right to vote.[441] There was no single majority opinion. Justice John Paul Stevens wrote the lead opinion, joined by Chief Justice Roberts and Justice Kennedy, and three more justices agreed with the result for other reasons. Justices Souter and Breyer dissented.[442] The lead opinion found that "the evidence in the record is not sufficient to support a facial attack on the validity of the entire statute."[443] In plain terms, the challengers had not shown that the law was invalid in every case. The ruling did not settle whether every ID law is constitutional, and challenges under state constitutions and the Voting Rights Act continue.

The opinions in Crawford are worth a closer look, because each side found something to quote. Indiana's law had a safety valve: a voter "who is indigent or has a religious objection to being photographed may cast a provisional ballot that will be counted only if she executes an appropriate affidavit before the circuit court clerk within 10 days following the election."[444]

The lead opinion was frank about the evidence: "The record contains no evidence of any such fraud actually occurring in Indiana at any time in its history." It still accepted the state's concern, noting that "flagrant examples of such fraud in other parts of the country have been documented throughout this Nation's history."[445] Justice Souter's dissent warned that the law "threatens to impose nontrivial burdens on the voting right of tens of thousands of the State's citizens," and stressed that "the State has not come across a single instance of in-person voter impersonation fraud in all of Indiana's history."[446]

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[439] Crawford v. Marion County Election Board, 553 U.S. 181 (2008), Souter, J., dissenting, via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZD.html (accessed November 12, 2026).

[440] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

[441] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

[442] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

[443] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

[444] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

[445] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

[446] Crawford v. Marion County Election Board, 553 U.S. 181 (2008), Souter, J., dissenting, via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZD.html (accessed November 12, 2026).

What does that mean? Both sides agreed on the key fact: Indiana had no known case of in-person impersonation. They disagreed about whether a state may guard against a risk it has not seen inside its own borders, and how much burden on voters that justifies.

The Case For Voter ID, in Its Supporters' Words

Supporters argue that asking voters to prove who they are is a basic safeguard, like showing ID to board a plane or pick up a prescription. They say ID rules deter in-person impersonation, which is hard to detect after the fact, and that they build public confidence in results. The lead opinion in Crawford accepted both of those as legitimate state interests: deterring fraud and protecting public confidence in elections.[447]

The Heritage Foundation, a conservative think tank, puts the case in its own words. In a 2011 commentary, Hans von Spakovsky, a former member of the Federal Election Commission, wrote: "Voter ID can prevent impersonation fraud, voting under fictitious registrations, double-voting by people registered in more than one state and voting by undocumented immigrants." He also quoted Rhode Island's secretary of state, Ralph Mollis, who said "voting should be at least as secure as everyday tasks like renting a car or getting a library card that routinely require ID."[448]

The Case Against Strict ID, in Its Opponents' Words

Opponents argue that in-person impersonation, the only kind of fraud an ID at the polls can stop, is extremely rare. A 2007 Brennan Center report by Justin Levitt put it this way: it is "more likely that an individual will be struck by lightning than that he will impersonate another voter at the polls."[449] Opponents also say strict ID rules can keep eligible voters from voting, especially older, poorer, rural, disabled and minority voters who are less likely to have a current photo ID, and that getting one can take time and money.[450]

The Brennan Center, a progressive-leaning legal policy group, does not oppose all ID rules. Its voter ID page says, "Voters should be who they say they are, and it is not unreasonable to require them to prove it." Its objection is to narrow lists of accepted documents. It says "more than 49 million American adults don't possess an unexpired driver's license with their current name and address."[451] That figure is the group's own, and I did not check it against an official source. So both sides accept that voters should prove who they are. They disagree about which documents should count and what happens to an eligible voter who lacks them.

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[447] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

[448] Hans A. von Spakovsky, "Are Voter-ID Laws Needed? Yes, They Protect Election Integrity," commentary, The Heritage Foundation (conservative think tank), August 1, 2011. https://www.heritage.org/election-integrity/commentary/are-voter-id-laws-needed-yes-they-protect-election-integrity (accessed November 12, 2026).

[449] Justin Levitt, "The Truth About Voter Fraud," Brennan Center for Justice (progressive-leaning legal policy institute), 2007. https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf (accessed November 12, 2026).

[450] Justin Levitt, "The Truth About Voter Fraud," Brennan Center for Justice (progressive-leaning legal policy institute), 2007. https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf (accessed November 12, 2026).

[451] Brennan Center for Justice (progressive-leaning legal policy institute), "Voter ID," issue page. https://www.brennancenter.org/issues/ensure-every-american-can-vote/vote-suppression/voter-id (accessed November 12, 2026).

What the Research Shows

You might ask, "Do ID laws actually keep people from voting?" Here the honest answer is that the research is mixed, and the best recent studies find smaller effects than either side often claims.

- **GAO (2014).** The Government Accountability Office (GAO) compared turnout in Kansas and Tennessee, which tightened their ID rules, with four comparison states (Alabama, Arkansas, Delaware and Maine) between the 2008 and 2012 general elections. It found turnout fell "by an estimated 1.9 to 2.2 percentage points more in Kansas and 2.2 to 3.2 percentage points more in Tennessee," and linked the larger drops to the new ID laws.[452] The report covers two states and one pair of elections, so it is narrower than the multi-state studies above.
- **Hajnal, Lajevardi and Nielson (2017).** This study reported that "strict photo identification laws have a differentially negative impact on the turnout" of Hispanic, Black and mixed-race Americans.[453]
- **Grimmer and coauthors (2018).** A team of other political scientists reexamined the 2017 study and concluded that its results were "a product of data inaccuracies." When the errors were corrected, they wrote, "one can recover positive, negative, or null estimates," so the data could not support a firm conclusion either way.[454]
- **Cantoni and Pons (2021).** Using a national data set of voters from 2008 to 2018, these economists found "the laws have no negative effect on registration or turnout, overall or for any group defined by race, gender, age, or party affiliation." They also found that strict ID requirements "have no effect on fraud," actual or perceived.[455]

What can we take from this? The strongest recent evidence does not support the claim that ID laws keep eligible people from voting "in large numbers," and it also does not show that ID laws prevent much fraud, because the in-person fraud they target is rare to begin with. Part Seven tests both claims directly.

The GAO report has two more findings worth knowing. It reviewed ten earlier studies: "Five of these 10 studies found that ID requirements had no statistically significant effect on turnout; in contrast 4 studies found decreases in turnout and 1 found an increase in turnout that were statistically significant."[456] And in Kansas and Tennessee, the turnout drops were larger among

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[452] U.S. Government Accountability Office, "Elections: Issues Related to State Voter Identification Laws," GAO-14-634, September 19, 2014 (reissued February 27, 2015). https://www.gao.gov/products/gao-14-634 (accessed November 12, 2026).

[453] Zoltan Hajnal, Nazita Lajevardi and Lindsay Nielson, "Voter Identification Laws and the Suppression of Minority Votes," Journal of Politics 79, no. 2 (2017). https://pages.ucsd.edu/~zhajnal/page5/documents/voterIDhajnaletal.pdf (accessed November 12, 2026).

[454] Justin Grimmer, Eitan Hersh, Marc Meredith, Jonathan Mummolo and Clayton Nall, "Obstacles to Estimating Voter ID Laws' Effect on Turnout," Journal of Politics 80, no. 3 (2018). https://cces.gov.harvard.edu/publications/obstacles-estimating-voter-id-laws%E2%80%99-effect-turnout (accessed November 12, 2026).

[455] Enrico Cantoni and Vincent Pons, "Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018," Quarterly Journal of Economics 136, no. 4 (2021): 2615-2660; working paper version, National Bureau of Economic Research Working Paper 25522. https://www.nber.org/papers/w25522 (accessed November 12, 2026).

[456] U.S. Government Accountability Office, "Elections: Issues Related to State Voter Identification Laws," GAO-14-634, September 19, 2014 (reissued February 27, 2015). https://www.gao.gov/products/gao-14-634 (accessed November 12, 2026).

registrants aged 18 to 23, among people registered less than a year, and "among African-American registrants than among White, Asian-American, and Hispanic registrants."[457]

What the Public Thinks About Voter ID

The public's view is lopsided. In a Gallup poll taken October 1 to 12, 2024, 84 percent of U.S. adults favored "requiring photo identification to vote," and 83 percent favored "providing proof of citizenship when registering to vote for the first time." The poll reached 1,023 adults by telephone, with a margin of error of plus or minus 4 percentage points.[458] As with the Electoral College poll in Chapter 9, these are the article's descriptions of the policies.

Gallup reported that Republicans "nearly unanimously back" both policies, while Democrats' support "is about 30 points lower (though still at the majority level)." White adults and people of color "hold similar views on early voting and requiring photo identification when voting."[459]

What to Take From This Chapter

- About three dozen states request or require some form of ID at the polls, but the rules range from strict photo ID to a simple signed statement.
- The Supreme Court upheld Indiana's photo ID law in 2008.
- Older studies found turnout drops in some states; the strongest recent national study found no significant effect on turnout or on fraud.

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[457] U.S. Government Accountability Office, "Elections: Issues Related to State Voter Identification Laws," GAO-14-634, September 19, 2014 (reissued February 27, 2015). https://www.gao.gov/products/gao-14-634 (accessed November 12, 2026).

[458] Megan Brenan, "Americans Endorse Both Early Voting and Voter Verification," Gallup, October 24, 2024. https://news.gallup.com/poll/652523/americans-endorse-early-voting-voter-verification.aspx (accessed November 12, 2026).

[459] Megan Brenan, "Americans Endorse Both Early Voting and Voter Verification," Gallup, October 24, 2024. https://news.gallup.com/poll/652523/americans-endorse-early-voting-voter-verification.aspx (accessed November 12, 2026).

Chapter 11: Mail and Early Voting

The information in this chapter is current as of November 12, 2026.

How Common Mail Voting Is

Voting by mail is not new. During the Civil War, "at first only Pennsylvania allowed soldiers to vote while away from home," the National Park Service notes, but "soon 20 states would permit absentee voting within the Army ranks."[460] Many states have long allowed absentee voting for people who are away or ill. What changed is how many people use it. In 2024, about 30 percent of all ballots were cast by mail.[461] That was down from the 2020 pandemic election, when 43.1 percent of ballots were cast by mail, up from 24.5 percent in 2016.[462]

States fall into three broad groups:

- **All-mail states**, which mail a ballot to every registered voter. NCSL lists eight states and the District of Columbia that "allow all elections to be conducted entirely by mail": California, Colorado, Hawaii, Nevada, Oregon, Utah, Vermont and Washington. Vermont does so for general elections only.[463]
- **No-excuse states**, where any voter may ask for a mail ballot. NCSL's table of no-excuse absentee voting lists states that adopted it from Idaho in 1970 to Connecticut in 2026.[464]
- **Excuse-required states**, where a voter must give a reason, such as illness, disability or being out of town on Election Day.

The 2020 election shows how fast mail voting can grow. The EAC reported that states sent out "a total of 90,687,978 mailed ballots" to voters other than military and overseas voters, and 70,551,227 came back. Of the returned ballots, "98.8% were counted and 0.8% were rejected."[465]

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[460] National Park Service, "Voting at Cedar Creek" (updated September 26, 2023). https://www.nps.gov/articles/000/voting-at-cedar-creek.htm (accessed November 12, 2026).

[461] U.S. Election Assistance Commission, "U.S. Election Assistance Commission Releases 2024 Election Administration and Voting Survey (EAVS) Report," press release, June 30, 2025. https://eac.gov/news/2025/06/30/us-election-assistance-commission-releases-2024-election-administration-and-voting (accessed November 12, 2026).

[462] U.S. Election Assistance Commission, "Election Administration and Voting Survey 2020 Comprehensive Report," August 2021. https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf (accessed November 12, 2026).

[463] National Conference of State Legislatures (NCSL), "Table 18: States with Mostly Mail Elections" (updated August 7, 2026). https://www.ncsl.org/elections-and-campaigns/table-18-states-with-all-mail-elections (accessed November 12, 2026).

[464] National Conference of State Legislatures (NCSL), "Table 1: States With No-Excuse Absentee Voting". https://www.ncsl.org/elections-and-campaigns/table-1-states-with-no-excuse-absentee-voting (accessed November 12, 2026).

[465] U.S. Election Assistance Commission, "Election Administration and Voting Survey 2020 Comprehensive Report," August 2021. https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf (accessed November 12, 2026).

That was more than double the 41,651,526 mail ballots sent in 2016, yet the return, count and rejection rates "were not significantly different" between the two elections.[466]

Early In-Person Voting

Mail is not the only way to vote before Election Day. In early in-person voting, you go to an election office or voting site during a set period before Election Day and vote much as you would at a polling place. According to NCSL, "47 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands offer early in-person voting to all voters." The three that do not are Alabama, Mississippi and New Hampshire.[467] NCSL also reports that "Early voting periods range in length from three to 46 days; the average is 20 days."[468]

Early voting is popular, but less so among Republicans than it was. In Gallup's October 2024 poll, 76 percent of adults favored "the concept of early voting." Republican support was 57 percent, which Gallup noted was "down from 74% in a 2016 survey."[469]

Ballot Drop Boxes

A drop box is a locked container where a voter can leave a completed mail ballot instead of mailing it. As of NCSL's March 4, 2026 update, "Twenty-nine states and the District of Columbia explicitly permit drop boxes in statute." Eleven states prohibit them or list approved return methods that leave them out: Arkansas, Indiana, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and West Virginia.[470]

The Checks on Mail Ballots

Chapter 7 described the checks on mail ballots. According to NCSL, "Thirty-two states and Puerto Rico conduct signature verification on returned absentee/mail ballots"; most of the rest check that the envelope is signed or use other identity checks.[471] The checks include signature or identity verification, tracking of which voters have already voted, and rejection of late or

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[466] U.S. Election Assistance Commission, "Election Administration and Voting Survey 2020 Comprehensive Report," August 2021. https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf (accessed November 12, 2026).

[467] National Conference of State Legislatures (NCSL), "Early In-Person Voting" (updated August 11, 2026). https://www.ncsl.org/elections-and-campaigns/early-in-person-voting (accessed November 12, 2026).

[468] National Conference of State Legislatures (NCSL), "Early In-Person Voting" (updated August 11, 2026). https://www.ncsl.org/elections-and-campaigns/early-in-person-voting (accessed November 12, 2026).

[469] Megan Brenan, "Americans Endorse Both Early Voting and Voter Verification," Gallup, October 24, 2024. https://news.gallup.com/poll/652523/americans-endorse-early-voting-voter-verification.aspx (accessed November 12, 2026).

[470] National Conference of State Legislatures (NCSL), "Table 9: Ballot Drop Box Laws" (updated March 4, 2026). https://www.ncsl.org/elections-and-campaigns/table-9-ballot-drop-box-laws (accessed November 12, 2026).

[471] National Conference of State Legislatures (NCSL), "Table 14: How States Verify Voted Absentee/Mail Ballots" (updated October 26, 2026). https://www.ncsl.org/elections-and-campaigns/table-14-how-states-verify-voted-absentee-mail-ballots (accessed November 12, 2026).

duplicate ballots. In 2024, 1.2 percent of returned mail ballots were rejected, and 11.1 percent of the rejections were for voters who had already cast another ballot that was counted.[472]

Fixing a Problem Ballot

What happens if your envelope signature is missing or does not match the one on file? In many states you get a chance to fix it, which is called curing the ballot. NCSL explains that "The election official will contact the voter explaining the problem and asking them to verify their information."[473] As of NCSL's October 27, 2026 update, "Thirty-five states and Washington, D.C., have ballot curing processes statewide."[474]

The deadlines vary. In Florida, "Voters may cure ballots until 5 p.m. on the second day after the election." In Kentucky, "Voters have until the close of polls on Election Day to cure a signature."[475]

Signature problems are the most common reason mail ballots are rejected. In 2020, a non-matching signature accounted for 32.8 percent of rejected mail ballots and a missing signature for 12.1 percent.[476]

When Must a Mail Ballot Arrive?

States differ on deadlines. Some require a mail ballot to arrive by the close of polls on Election Day. Others count ballots that are postmarked by Election Day and arrive within a set number of days after it.

That difference reached the Supreme Court in 2026. The case came from Mississippi, which counts absentee ballots postmarked by Election Day and received within five business days after it.[477] In Watson v. Republican National Committee, decided June 29, 2026, the Court ruled 5 to 4 that the federal Election Day laws "do not set a deadline for ballot receipt," so they do not stop a state from counting those ballots.[478] Justice Amy Coney Barrett wrote for the Court, joined by Chief Justice Roberts and Justices Sotomayor, Kagan and Jackson. Justice Alito dissented,

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[472] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[473] National Conference of State Legislatures (NCSL), "Table 14: How States Verify Voted Absentee/Mail Ballots" (updated October 26, 2026). https://www.ncsl.org/elections-and-campaigns/table-14-how-states-verify-voted-absentee-mail-ballots (accessed November 12, 2026).

[474] National Conference of State Legislatures (NCSL), "Table 15: States With Signature Cure Processes" (updated October 27, 2026). https://www.ncsl.org/elections-and-campaigns/table-15-states-with-signature-cure-processes (accessed November 12, 2026).

[475] National Conference of State Legislatures (NCSL), "Table 15: States With Signature Cure Processes" (updated October 27, 2026). https://www.ncsl.org/elections-and-campaigns/table-15-states-with-signature-cure-processes (accessed November 12, 2026).

[476] U.S. Election Assistance Commission, "Election Administration and Voting Survey 2020 Comprehensive Report," August 2021. https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf (accessed November 12, 2026).

[477] Supreme Court of the United States, Watson v. Republican National Committee, No. 24-1260 (June 29, 2026), slip opinion. https://www.supremecourt.gov/opinions/25pdf/24-1260_g3cn.pdf (accessed November 12, 2026).

[478] Supreme Court of the United States, Watson v. Republican National Committee, No. 24-1260 (June 29, 2026), slip opinion. https://www.supremecourt.gov/opinions/25pdf/24-1260_g3cn.pdf (accessed November 12, 2026).

joined by Justices Thomas and Gorsuch, and Justice Kavanaugh joined most of the dissent.[479] The ruling did not create one national deadline. Each state still sets its own, and NCSL reported that Ohio became "the 36th state overall requiring ballots to be received by Election Day" for 2026.[480]

The two sides in Watson read the same words differently. Writing for the majority, Justice Barrett reasoned that "The electorate's choice is made when voting is complete, not when ballots are received." She concluded, "The election-day statutes say nothing about ballot receipt, and we cannot add to the words Congress chose."[481] On the policy arguments, she wrote, "The question today is not whether requiring ballots to be received by election day is a good or bad idea; the question is whether the idea has made its way into the United States Code."[482]

Justice Alito's dissent took the other view: "If ballots received after election day are added to the set of ballots that dictate the election's outcome, the electorate's choice does not occur on election day, and the federal election-day statutes are violated." He warned that the ruling "creates a serious risk of further undermining public confidence in our elections and our system of self-government."[483]

How many ballots were at stake? Votebeat, a nonprofit news site that covers elections, reported that 14 states and the District of Columbia had grace periods at the time, and its own analysis of 11 of those 15 jurisdictions found that "more than 745,000 absentee ballots arrived after Election Day in 2024."[484] That is a news outlet's estimate, not an official count.

The Executive Orders

Since 2025, the federal executive branch has tried to change election rules directly through executive orders. Here is what each order does and where the court fights stood as of November 12, 2026.

- **Executive Order 14248 (March 25, 2025)**, "Preserving and Protecting the Integrity of American Elections."[485] Among other things, it directed the EAC to require documentary proof of citizenship on the federal registration form; told the Attorney

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[479] Supreme Court of the United States, Watson v. Republican National Committee, No. 24-1260 (June 29, 2026), slip opinion. https://www.supremecourt.gov/opinions/25pdf/24-1260_g3cn.pdf (accessed November 12, 2026).

[480] National Conference of State Legislatures (NCSL), "Election Administration Legislative Action Bulletin," entry of January 1, 2026. https://www.ncsl.org/elections-and-campaigns/election-administration-legislative-action-bulletin (accessed November 12, 2026).

[481] Watson v. Republican National Committee, No. 24-1260 (June 29, 2026), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/24-1260 (accessed November 12, 2026).

[482] Watson v. Republican National Committee, No. 24-1260 (June 29, 2026), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/24-1260 (accessed November 12, 2026).

[483] Watson v. Republican National Committee, No. 24-1260 (June 29, 2026), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/24-1260 (accessed November 12, 2026).

[484] Dion Nissenbaum, "Supreme Court allows states to accept mail ballots after Election Day, rejecting Republican challenge to voting access," Votebeat, June 29, 2026. https://www.votebeat.org/national/2026/06/29/supreme-court-watson-rnc-mail-ballots-absentee-deadline-grace-period/ (accessed November 12, 2026).

[485] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026).

General to enforce the federal Election Day laws against states that count ballots "received after Election Day"; tied some EAC funding to an Election Day receipt deadline; and called for voting systems to stop using ballots that store votes in a barcode or QR code.[486]

- **The court fights over that order.** In April 2025 a federal judge in Washington, D.C., blocked the proof-of-citizenship part, writing that the Constitution "entrusts Congress and the States," not the president, "with the authority to regulate federal elections."[487] On June 24, 2026, a federal judge in Massachusetts declared five sections of the order "unconstitutional and void" and issued permanent injunctions in a suit brought by a group of states.[488]
- **Executive Order 14399 (March 31, 2026)**, "Ensuring Citizenship Verification and Integrity in Federal Elections."[489] It directs the Department of Homeland Security, working with the Social Security Administration, to send states a list of people "confirmed to be United States citizens" before each federal election. It also directs the Postal Service to write a rule under which it would not carry mail ballots from people who are not on a state's list, and it tells the Justice Department to prioritize prosecuting state and local officials who issue ballots to ineligible voters.[490]
- **The Supreme Court's August 2026 order.** On August 24, 2026, in Trump v. California, the Supreme Court put on hold a Massachusetts federal court's injunction against parts of Executive Order 14399 while the appeal continues. The Court said the lower court "lacked jurisdiction," a ruling about whether the case was ready to be heard, not about whether the order is lawful, and it added that its order "does not mean that any measure taken by the Government to implement the Order will necessarily be lawful."[491] Justices Sotomayor, Kagan and Jackson dissented.[492] A second, nationwide injunction from another case was left in place.[493]

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[486] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026).

[487] U.S. District Court for the District of Columbia, League of United Latin American Citizens v. Executive Office of the President, memorandum opinion (Judge Colleen Kollar-Kotelly), April 24, 2025. https://assets.aclu.org/live/uploads/2025/04/2025-04-24-Memorandum-Opinion-dckt-104_0-1.pdf (accessed November 12, 2026).

[488] U.S. District Court for the District of Massachusetts, State of California v. Trump, No. 25-cv-10810-DJC, memorandum and order (Chief Judge Denise J. Casper), June 24, 2026. https://www.courthousenews.com/wp-content/uploads/2026/06/states-v-trump-elections-eo-ruling.pdf (accessed November 12, 2026).

[489] Executive Order 14399 of March 31, 2026, "Ensuring Citizenship Verification and Integrity in Federal Elections," 91 Fed. Reg. 17125 (published April 3, 2026). https://www.federalregister.gov/documents/2026/04/03/2026-06601/ensuring-citizenship-verification-and-integrity-in-federal-elections (accessed November 12, 2026).

[490] Executive Order 14399 of March 31, 2026, "Ensuring Citizenship Verification and Integrity in Federal Elections," 91 Fed. Reg. 17125 (published April 3, 2026). https://www.federalregister.gov/documents/2026/04/03/2026-06601/ensuring-citizenship-verification-and-integrity-in-federal-elections (accessed November 12, 2026).

[491] Supreme Court of the United States, Trump v. California, No. 26A124 (per curiam), August 24, 2026. https://www.supremecourt.gov/opinions/25pdf/26a124_hgci.pdf (accessed November 12, 2026).

[492] Supreme Court of the United States, Trump v. California, No. 26A124 (per curiam), August 24, 2026. https://www.supremecourt.gov/opinions/25pdf/26a124_hgci.pdf (accessed November 12, 2026).

[493] Votebeat, "Supreme Court lifts 1 of 2 blocks on Trump's mail-voting executive order," August 24, 2026. https://www.votebeat.org/national/2026/08/24/supreme-court-lifts-stay-trump-executive-order-on-elections-mail-ballot-restrictions/ (accessed November 12, 2026).

- **Where things stood in the fall.** According to the Congressional Research Service (CRS), "Neither EO has been fully implemented." The Postal Service published its final rule on August 26, 2026, and in September the Supreme Court refused to let the government put that rule into effect for the 2026 elections.[494]

Supporters of the orders argue the president is enforcing federal law and protecting citizenship requirements. Opponents argue the Constitution gives states and Congress, not the president, the power to set election rules. Those arguments are being decided in court, and several cases were still open as of November 12, 2026.

Does Mail Voting Help One Party?

Many people on both sides assume it does. The research says otherwise. A study of three states that phased in universal mail voting county by county found it had "no impact on partisan turnout or vote share" and an increase of about 2 percentage points in the share of eligible citizens who voted. The study covered California, Utah and Washington from 1996 to 2018.[495]

The study's design is what makes it useful. The three states phased in universal mail voting "in a staggered fashion across counties," so the Stanford University authors could compare counties that switched with counties that had not yet switched.[496] The authors were careful about limits. They wrote that their evidence "is about the effects of counties opting into universal VBM programs during normal times," and that "our results say nothing about whether VBM should be implemented nationwide." VBM is their short form for vote-by-mail. The study was published in June 2020, so it does not cover the 2020 pandemic election.[497]

A Closer Look at Executive Order 14248

The court fights over the March 2025 order turned on specific sections. Here is what the main ones say.[498]

Section 2(a) told the EAC to require "documentary proof of United States citizenship" on the national mail registration form, such as a U.S. passport or a REAL ID-compliant document that shows citizenship.[499]

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[494] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[495] Daniel M. Thompson, Jennifer A. Wu, Jesse Yoder and Andrew B. Hall, "Universal Vote-by-Mail Has No Impact on Partisan Turnout or Vote Share," Proceedings of the National Academy of Sciences 117, no. 25 (2020). https://www.pnas.org/doi/10.1073/pnas.2007249117 (accessed November 12, 2026).

[496] Daniel M. Thompson, Jennifer A. Wu, Jesse Yoder and Andrew B. Hall, "Universal Vote-by-Mail Has No Impact on Partisan Turnout or Vote Share," Proceedings of the National Academy of Sciences 117, no. 25 (June 23, 2020), copy via UCLA School of Law. https://law.ucla.edu/sites/default/files/PDFs/Safeguarding_Democracy/MCLE_Readings/thompson-et-al-2020-universal-vote-by-mail-has-no-impact-on-partisan-turnout-or-vote-share.pdf (accessed November 12, 2026).

[497] Daniel M. Thompson, Jennifer A. Wu, Jesse Yoder and Andrew B. Hall, "Universal Vote-by-Mail Has No Impact on Partisan Turnout or Vote Share," Proceedings of the National Academy of Sciences 117, no. 25 (June 23, 2020), copy via UCLA School of Law. https://law.ucla.edu/sites/default/files/PDFs/Safeguarding_Democracy/MCLE_Readings/thompson-et-al-2020-universal-vote-by-mail-has-no-impact-on-partisan-turnout-or-vote-share.pdf (accessed November 12, 2026).

[498] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026).

Section 3(d) told the Secretary of Defense to require the same proof on the Federal Post Card Application, the form military and overseas voters use.[500]

Section 4(a) told the EAC to cut off federal funds to states that do not use the federal form, "including any requirement for documentary proof of United States citizenship" adopted under the order.[501]

Section 7(a) told the Attorney General to enforce the Election Day laws against states that count "absentee or mail-in ballots received after Election Day," and Section 7(b) told the EAC to tie funding to an Election Day receipt deadline.[502]

The order's stated reasons were that "the United States largely relies on self-attestation for citizenship," and that "numerous States fail to comply with those laws by counting ballots received after Election Day."[503]

In April 2025, Judge Colleen Kollar-Kotelly of the federal court in Washington, D.C., blocked Sections 2(a) and 2(d). She noted that "Congress is currently debating legislation that would effect many of the changes the President purports to order," pointing to the SAVE Act.[504]

In June 2026, Chief Judge Denise J. Casper in Massachusetts declared Sections 2(a), 3(d), 4(a), 7(a) and 7(b) "unconstitutional and void because they are ultra vires and violate the separation of powers." Ultra vires is Latin for "beyond the powers," meaning the president acted outside his legal authority. Quoting an earlier ruling, she wrote that "the President has no constitutional duty to prescribe the content of election regulations."[505] The government had argued that Section 2(a) was lawful and that the states had sued too early, before any harm or enforcement had occurred. The court rejected those arguments for most of the states.[506]

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[499] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026).

[500] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026).

[501] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026).

[502] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026).

[503] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026).

[504] U.S. District Court for the District of Columbia, League of United Latin American Citizens v. Executive Office of the President, memorandum opinion (Judge Colleen Kollar-Kotelly), April 24, 2025. https://assets.aclu.org/live/uploads/2025/04/2025-04-24-Memorandum-Opinion-dckt-104_0-1.pdf (accessed November 12, 2026).

[505] U.S. District Court for the District of Massachusetts, State of California v. Trump, No. 25-cv-10810-DJC, memorandum and order (Chief Judge Denise J. Casper), June 24, 2026. https://www.courthousenews.com/wp-content/uploads/2026/06/states-v-trump-elections-eo-ruling.pdf (accessed November 12, 2026).

[506] U.S. District Court for the District of Massachusetts, State of California v. Trump, No. 25-cv-10810-DJC, memorandum and order (Chief Judge Denise J. Casper), June 24, 2026. https://www.courthousenews.com/wp-content/uploads/2026/06/states-v-trump-elections-eo-ruling.pdf (accessed November 12, 2026).

What to Take From This Chapter

- About 30 percent of 2024 ballots were cast by mail, down from 2020.
- Mail ballots go through signature or identity checks, and in 2024 the system caught and rejected duplicate ballots.
- In 2026 the Supreme Court ruled that federal law does not stop states from counting on-time mail ballots that arrive after Election Day.
- Two executive orders on elections were tied up in court as of the cutoff, and neither had been fully put into effect.
- Research does not find that universal mail voting helps one party.

Chapter 12: Voter Lists, List Maintenance and Citizenship Checks

The information in this chapter is current as of November 12, 2026.

Why Lists Are Never Perfect

Chapter 5 explained the federal rules for keeping voter lists. The basic problem is simple: more than 1 in 10 Americans move in a given year (11.6 percent in 2025, according to the Census Bureau), and no one is required to tell the election office.[507] So lists always contain some people who have moved or died. That does not mean those people vote. It means the list needs maintenance.

What does federal law actually require? Section 8 of the NVRA, found at 52 U.S.C. Section 20507, sets the main rules. Any list maintenance program must be "uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965."[508]

The confirmation notice described in Chapter 5 must be "a postage prepaid and pre-addressed return card, sent by forwardable mail." The 90-day quiet period before a federal election covers "any program the purpose of which is to systematically remove the names of ineligible voters." It does not stop removals at a voter's request, for death, or for criminal conviction or mental incapacity where state law allows.[509] And each state "shall maintain for at least 2 years and shall make available for public inspection" the records of its list maintenance programs.[510]

The Husted Case

How aggressive can a state be? In Husted v. A. Philip Randolph Institute, decided in 2018, the Supreme Court upheld Ohio's process, which used a voter's failure to vote as a trigger to send a confirmation notice, followed by removal if the voter did not respond and did not vote through two more federal elections.[511] The case was decided June 11, 2018, by a vote of 5 to 4. Justice Samuel Alito wrote for the Court that Ohio's process "does not violate the Failure-to-Vote Clause or any other part of the NVRA." Justices Breyer, Ginsburg, Sotomayor and Kagan dissented.[512]

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[507] U.S. Census Bureau, "United States Migration/Geographic Mobility at a Glance: American Community Survey 1-Year Estimates" (revised October 30, 2026). https://www.census.gov/topics/population/migration/guidance/acs-1yr.html (accessed November 12, 2026).

[508] 52 U.S. Code Section 20507, "Requirements with respect to administration of voter registration," via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/20507 (accessed November 12, 2026).

[509] 52 U.S. Code Section 20507, "Requirements with respect to administration of voter registration," via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/20507 (accessed November 12, 2026).

[510] 52 U.S. Code Section 20507, "Requirements with respect to administration of voter registration," via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/20507 (accessed November 12, 2026).

[511] Husted v. A. Philip Randolph Institute, 584 U.S. 756 (June 11, 2018), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/16-980 (accessed November 12, 2026).

[512] Husted v. A. Philip Randolph Institute, 584 U.S. 756 (June 11, 2018), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/16-980 (accessed November 12, 2026).

The numbers in the case show why the justices split. Justice Breyer's dissent noted that in 2012 Ohio flagged about 1.5 million registered voters, nearly 20 percent of its 8 million, as likely to have moved, and sent them confirmation notices. Only about 60,000, or 4 percent, sent back cards saying they had moved, while about 235,000 sent back cards saying they had not.[513]

Justice Alito's majority read the law narrowly. The Failure-to-Vote Clause, he wrote, "simply forbids the use of nonvoting as the sole criterion for removing a registrant, and Ohio does not use it that way." He closed: "The dissents have a policy disagreement, not just with Ohio, but with Congress."[514]

Justice Breyer, joined by Justices Ginsburg, Sotomayor and Kagan, saw it the other way. Under Ohio's process, he wrote, "a registered voter's failure to vote in a single federal election begins a process that may well result in the removal of that voter's name from the federal voter rolls."[515]

Sharing Data Across States

States can catch voters who moved to another state only if they share data. The Electronic Registration Information Center (ERIC) is a group of states that compare voter lists and motor vehicle records to find people who moved, died or registered twice.[516] ERIC says it has 28 members: 27 states and the District of Columbia.[517] Louisiana and Alabama left, and in March 2023 West Virginia, Florida and Missouri followed.[518] Leaders of departing states said they had lost confidence in how the group was run. ERIC's defenders said the exits followed a campaign built on false claims, including that the group was funded by a Democratic donor.[519] In 2026, Virginia passed a law to rejoin.[520]

ERIC explains how its system works. "Member states securely submit voter registration and motor vehicle department data to ERIC," and ERIC also uses Social Security death data and Postal Service change-of-address data. It sends members reports on out-of-date records, deceased voters, "individuals who appear to be eligible to vote but who are not yet registered,

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[513] Husted v. A. Philip Randolph Institute, 584 U.S. 756 (June 11, 2018), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/16-980 (accessed November 12, 2026).

[514] Husted v. A. Philip Randolph Institute, 584 U.S. 756 (June 11, 2018), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/16-980 (accessed November 12, 2026).

[515] Husted v. A. Philip Randolph Institute, 584 U.S. 756 (June 11, 2018), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/16-980 (accessed November 12, 2026).

[516] Electronic Registration Information Center (ERIC), "About ERIC" and member list. https://ericstates.org/ (accessed November 12, 2026).

[517] Electronic Registration Information Center (ERIC), "About ERIC" and member list. https://ericstates.org/ (accessed November 12, 2026).

[518] Carrie Levine, Votebeat, report on states leaving ERIC, March 13, 2023. https://votebeat.org/2023/3/13/23634072/eric-election-integrity-activists-clean-voter-rolls (accessed November 12, 2026).

[519] Carrie Levine, Votebeat, report on states leaving ERIC, March 13, 2023. https://votebeat.org/2023/3/13/23634072/eric-election-integrity-activists-clean-voter-rolls (accessed November 12, 2026).

[520] King, Nelson and Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

and possible cases of illegal voting." According to ERIC, "Possible cases of illegal voting are reviewed and, if found credible, referred to law enforcement."[521]

The Federal SAVE Database

As of November 12, 2026, a second data tool had become central to the citizenship debate. SAVE, short for Systematic Alien Verification for Entitlements, is run by U.S. Citizenship and Immigration Services (USCIS), part of DHS. USCIS calls it "an online service administered by U.S. Citizenship and Immigration Services (USCIS)."[522]

SAVE changed a lot in 2025. On May 22, 2025, USCIS announced a "new partnership with the Social Security Administration" so that "State and local authorities can input Social Security numbers," and said "for the first time, agencies can submit more than one case at a time." It also "eliminated all charges" for government agencies, effective April 1, 2025.[523] In November 2025, USCIS said states could verify voters "using the last four digits" of a Social Security number.[524]

USCIS itself warns about limits. Its guidance says "SAVE is not a source database of U.S. citizens and immigrants," and that a "no-match result based on SSA data is not a final SAVE response" and "cannot be used to deny registration or remove someone from a voting roll."[525]

The new features ended up in court. USCIS reports that after a June 22, 2026 order by the federal district court in Washington, D.C., most agencies could not use Social Security numbers or the bulk upload tool. Then, "On Sept. 25, 2026, the U.S. Supreme Court stayed the lower court's order pending appeal," and USCIS restored those features.[526] NCSL reported that Iowa, Kansas, Kentucky and Louisiana passed laws in 2026 requiring list comparisons with SAVE "intended to check for rare instances of noncitizens on voter rolls."[527]

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[521] Electronic Registration Information Center (ERIC), "About ERIC" and member list. https://ericstates.org/ (accessed November 12, 2026).

[522] U.S. Citizenship and Immigration Services (USCIS), "Voter Registration and Voter List Maintenance Fact Sheet," SAVE program guidance, last reviewed September 25, 2026. https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet (accessed November 12, 2026).

[523] U.S. Citizenship and Immigration Services (USCIS), "USCIS Deploys Common Sense Tools to Verify Voters," news release, May 22, 2025. https://www.uscis.gov/newsroom/news-releases/uscis-deploys-common-sense-tools-to-verify-voters (accessed November 12, 2026).

[524] U.S. Citizenship and Immigration Services (USCIS), "USCIS Enhances Voter Verification Systems," news release, November 3, 2025. https://www.uscis.gov/newsroom/news-releases/uscis-enhances-voter-verification-systems (accessed November 12, 2026).

[525] U.S. Citizenship and Immigration Services (USCIS), "Voter Registration and Voter List Maintenance Fact Sheet," SAVE program guidance, last reviewed September 25, 2026. https://www.uscis.gov/save/current-user-agencies/guidance/voter-registration-and-voter-list-maintenance-fact-sheet (accessed November 12, 2026).

[526] U.S. Citizenship and Immigration Services (USCIS), "SAVE Functionality Restored," SAVE news alert, last reviewed October 2, 2026. https://www.uscis.gov/save/current-user-agencies/news-alerts/save-functionality-restored (accessed November 12, 2026).

[527] King, Nelson and Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

Citizenship Checks

Only U.S. citizens may vote in federal elections. Every voter registration form asks the applicant to swear they are a citizen, and lying is a crime.[528] But most states do not require a document proving citizenship, such as a passport or birth certificate, when a person registers.

In Arizona v. Inter Tribal Council of Arizona, decided in 2013, the Supreme Court held that states must accept the federal registration form, which uses a sworn statement of citizenship, for federal elections, and cannot add their own proof-of-citizenship requirement to it without going through the EAC.[529] The vote was 7 to 2, with Justice Antonin Scalia writing for the Court. The Court held that "Arizona's evidence-of-citizenship requirement, as applied to Federal Form applicants, is pre-empted" by the NVRA. A state may ask the EAC to add such a requirement to the form and can go to court if the EAC says no.[530]

That is why proposals like the Safeguard American Voter Eligibility (SAVE) Act matter. The SAVE Act, H.R. 22, says a state "shall not accept and process an application to register to vote in an election for Federal office unless the applicant presents documentary proof of United States citizenship." It passed the House on April 10, 2025.[531] A later Senate bill, the SAVE America Act (S. 3752), would add a photo ID requirement for voting in federal elections.[532] NCSL reports that 13 states have their own documentary proof-of-citizenship laws, though not all are in effect because of past court rulings.[533] Chapter 22 gives the federal bills' status as of the cutoff.

How many noncitizens are on voter lists? State audits are the best evidence. In October 2024, Georgia reported that "20 of the 8.2 million people registered to vote in the state are not U.S. citizens." None had voted in that November's election, but nine had voted in earlier elections, and the cases were referred to prosecutors.[534] A broader Georgia review announced in

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[528] U.S. Election Assistance Commission, "National Mail Voter Registration Form". https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf (accessed November 12, 2026).

[529] Arizona v. Inter Tribal Council of Arizona, Inc., 570 U.S. 1 (June 17, 2013), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/12-71 (accessed November 12, 2026).

[530] Arizona v. Inter Tribal Council of Arizona, Inc., 570 U.S. 1 (June 17, 2013), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/12-71 (accessed November 12, 2026).

[531] H.R. 22, Safeguard American Voter Eligibility Act (SAVE Act), 119th Congress, engrossed in House, April 10, 2025. https://www.congress.gov/bill/119th-congress/house-bill/22/all-info (accessed November 12, 2026). Congressional Research Service, "Federal Investigations and Seizures of Voting Records," In Focus IF13235, May 26, 2026. https://www.everycrsreport.com/reports/IF13235.html (accessed November 12, 2026).

[532] S. 3752, SAVE America Act, 119th Congress, introduced in Senate January 29, 2026. https://www.congress.gov/bill/119th-congress/senate-bill/3752/all-info (accessed November 12, 2026).

[533] King, Nelson and Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

[534] Associated Press, "Georgia citizenship audit finds few noncitizens on voter rolls," via WUGA, October 23, 2024. https://www.wuga.org/local-news/2024-10-23/georgia-citizenship-audit-finds-few-noncitizens-on-voter-rolls (accessed November 12, 2026).

September 2026 found about 430 people who had voted at some point over the past 30 years and "may not be citizens."[535] Chapter 13 and Part Seven look at these numbers in detail.

What the Justices Said in the Arizona Case

In the 2013 Arizona case, the majority accepted part of the state's argument. Justice Scalia wrote that "Arizona is correct that it would raise serious constitutional doubts if a federal statute precluded a State from obtaining the information necessary to enforce its voter qualifications." The way out, he explained, was that a state "may request that the EAC alter the Federal Form" and may sue if the EAC refuses.[536] Justice Alito's dissent pointed to a practical problem: "The EAC currently has no members, and there is no reason to believe that it will be restored to life in the near future."[537] As Chapter 22 notes, the EAC again had no commissioners in office in 2026.

Kansas: A Proof-of-Citizenship Law in Court

Kansas offers the most detailed court record on what a proof-of-citizenship rule does in practice. Its requirement took effect January 1, 2013. In 2020, the federal appeals court for the Tenth Circuit upheld a ruling that blocked it, concluding "that the DPOC requirement is both unconstitutional and preempted by section 5 of the NVRA." DPOC stands for documentary proof of citizenship, and Section 5 is the motor voter section.[538]

The court relied on numbers found at trial. On one side, 31,089 applicants had their registrations suspended or canceled for failing to provide the documents, 12.4 percent of new registrations from January 1, 2013, to December 11, 2015.[539] On the other, the trial court found that "at most, 67 noncitizens registered or attempted to register in Kansas over the last 19 years," and that only 39 confirmed noncitizens had registered between 1999 and 2013, about 0.002 percent of Kansas's registered voters.[540] Kansas did offer evidence for its side, including "several anecdotes" and evidence "that some noncitizens with temporary driver's licenses had been registered to vote." Weighing it all, the court concluded that "the precise interests put forward by the Secretary do not justify the burden imposed on the right to vote."[541]

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[535] Caleb Groves, "The hunt for noncitizen Georgia voters yields few results," Atlanta Journal-Constitution, September 2, 2026. https://www.ajc.com/politics/2026/09/the-hunt-for-noncitizen-georgia-voters-yields-few-results/ (accessed November 12, 2026).

[536] Arizona v. Inter Tribal Council of Arizona, Inc., 570 U.S. 1 (June 17, 2013), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/12-71 (accessed November 12, 2026).

[537] Arizona v. Inter Tribal Council of Arizona, Inc., 570 U.S. 1 (June 17, 2013), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/12-71 (accessed November 12, 2026).

[538] U.S. Court of Appeals for the Tenth Circuit, Fish v. Schwab, No. 18-3133, and Bednasek v. Schwab, No. 18-3134, opinion (Judge Holmes), April 29, 2020. https://www.ca10.uscourts.gov/sites/ca10/files/opinions/010110340452.pdf (accessed November 12, 2026).

[539] U.S. Court of Appeals for the Tenth Circuit, Fish v. Schwab, No. 18-3133, and Bednasek v. Schwab, No. 18-3134, opinion (Judge Holmes), April 29, 2020. https://www.ca10.uscourts.gov/sites/ca10/files/opinions/010110340452.pdf (accessed November 12, 2026).

[540] U.S. Court of Appeals for the Tenth Circuit, Fish v. Schwab, No. 18-3133, and Bednasek v. Schwab, No. 18-3134, opinion (Judge Holmes), April 29, 2020. https://www.ca10.uscourts.gov/sites/ca10/files/opinions/010110340452.pdf (accessed November 12, 2026).

[541] U.S. Court of Appeals for the Tenth Circuit, Fish v. Schwab, No. 18-3133, and Bednasek v. Schwab, No. 18-3134, opinion (Judge Holmes), April 29, 2020. https://www.ca10.uscourts.gov/sites/ca10/files/opinions/010110340452.pdf (accessed November 12, 2026).

What the SAVE Act Would Actually Require

The House-passed SAVE Act would count as proof a REAL ID-compliant ID that shows citizenship, a valid U.S. passport, a military ID with a service record showing a U.S. birthplace, a government photo ID showing a U.S. birthplace, or another government photo ID presented with a document such as a certified birth certificate.[542] A person who registers with the federal mail form would have to present proof "in person to the office of the appropriate election official" by the registration deadline. States would have to set up a process for applicants who lack documents to sign "an attestation under penalty of perjury" and submit "such other evidence" for an official to judge.[543]

The bill would add registering "an applicant to vote in an election for Federal office who fails to present documentary proof of United States citizenship" to the acts covered by the NVRA's criminal penalty section, which applies to a person who acts "knowingly and willfully."[544] It would also let private parties sue over such a registration.[545]

The Senate's SAVE America Act, S. 3752, adds a photo ID rule. Each voter "shall present an eligible photo identification document"; in person, it must be "a tangible (not digital) document," and absentee voters must include a copy with both the ballot request and the ballot.[546] You might ask, "Would my driver's license count?" Under the bill as written, an eligible ID must carry a photo and "an indication on the front of the document that the individual identified on the document is a United States citizen." An ID without that mark can still count if it is shown with another document proving citizenship, or if the voter's state has sent its voter list to SAVE at least quarterly since June 1, 2025 and marks which voters are verified.[547]

How States Are Trying Different Designs

States have not waited for Congress. Utah and South Dakota created "bifurcated systems" in which voters who have not provided proof are placed on a "federal only" list, so they can vote in federal races but not state ones. New Hampshire created "a voucher program for indigent voters who cannot afford the cost of obtaining" proof of citizenship.[548] My reading is that the federal-

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[542] H.R. 22, Safeguard American Voter Eligibility Act, 119th Congress, engrossed in House, text via GovInfo. https://www.govinfo.gov/content/pkg/BILLS-119hr22eh/html/BILLS-119hr22eh.htm (accessed November 12, 2026).

[543] H.R. 22, Safeguard American Voter Eligibility Act, 119th Congress, engrossed in House, text via GovInfo. https://www.govinfo.gov/content/pkg/BILLS-119hr22eh/html/BILLS-119hr22eh.htm (accessed November 12, 2026).

[544] H.R. 22, Safeguard American Voter Eligibility Act, 119th Congress, engrossed in House, text via GovInfo. https://www.govinfo.gov/content/pkg/BILLS-119hr22eh/html/BILLS-119hr22eh.htm (accessed November 12, 2026). 52 U.S. Code Section 20511, "Criminal penalties," via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/20511 (accessed November 12, 2026).

[545] H.R. 22, Safeguard American Voter Eligibility Act, 119th Congress, engrossed in House, text via GovInfo. https://www.govinfo.gov/content/pkg/BILLS-119hr22eh/html/BILLS-119hr22eh.htm (accessed November 12, 2026).

[546] S. 3752, SAVE America Act, 119th Congress, introduced in Senate, text via GovInfo. https://www.govinfo.gov/content/pkg/BILLS-119s3752is/html/BILLS-119s3752is.htm (accessed November 12, 2026).

[547] S. 3752, SAVE America Act, 119th Congress, introduced in Senate, text via GovInfo. https://www.govinfo.gov/content/pkg/BILLS-119s3752is/html/BILLS-119s3752is.htm (accessed November 12, 2026).

[548] King, Nelson and Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

only design follows from the Arizona ruling: a state must accept the federal form for federal races, but it can set its own rules for its own races.

Federal Demands for Voter Lists

Since 2025, the Department of Justice has requested full voter registration lists from most states, and sued some states that refused. According to CRS, several district courts dismissed those suits, DOJ appealed, and other cases were still pending.[549] The first appeals ruling came in Michigan's case. On June 24, 2026, the federal appeals court for the Sixth Circuit held that DOJ "is not entitled to Michigan's" full voter list under the Civil Rights Act of 1960. One judge dissented, and DOJ asked the full court to rehear the case.[550] Supporters say the federal government needs the data to enforce list maintenance laws. Opponents say the demands go beyond what federal law allows and raise privacy concerns.

What to Take From This Chapter

- Voter lists always lag behind moves and deaths; federal law sets a careful process for removing names.
- The Supreme Court upheld Ohio's use of non-voting as a trigger for confirmation notices in 2018.
- Every registrant swears to citizenship; most states do not require documents, and the SAVE Act would change that for federal elections.
- Federal demands for state voter lists were in court as of the cutoff.

[549] Congressional Research Service, "Federal Investigations and Seizures of Voting Records," In Focus IF13235, May 26, 2026. https://www.everycrsreport.com/reports/IF13235.html (accessed November 12, 2026).

[550] Jimmy Balser, "United States v. Benson: Sixth Circuit Denies Federal Demand for State Voter Registration List," Congressional Research Service Legal Sidebar LSB11456, July 14, 2026. https://www.everycrsreport.com/files/2026-07-14_LSB11456_ceba69dbf5b8b2fd346ab0d494cd1c8bddb23b5c.pdf (accessed November 12, 2026).

Part Five: Voter Fraud

People argue about voter fraud more than almost any other election topic. One side says it is common and hidden. The other says it almost never happens. Both sides often talk past each other, because they mean different things by "fraud" and count it in different ways.

Part Five has one chapter. It sorts out the kinds of fraud, walks through proven cases, explains how fraud is caught and punished, and shows what the best counts can and cannot tell us. Part Seven then rates specific claims.

Chapter 13: Voter Fraud: What It Is, How Often It Happens and How It Gets Caught

The information in this chapter is current as of November 12, 2026.

Three Levels of Proof

Before looking at any case, it helps to sort what you are reading into three levels:

- **An allegation** is a claim that someone did something wrong. It starts an inquiry. It proves nothing by itself.
- **A charge or indictment** means a prosecutor or grand jury found enough evidence to bring a case. The person is still presumed innocent.
- **A guilty plea or conviction** means a court found the person responsible.

A separate question is whether the conduct changed a result. A proven crime involving a handful of ballots is still a crime, but it changes an outcome only if the race was closer than the number of bad ballots. I try to keep both questions in view in this chapter: how serious the conduct was, and how much it affected the count.

The Kinds of Fraud

"Voter fraud" covers several different acts, and each one has a different weak spot.

- **Impersonation at the polls.** Someone votes in person as another registered voter. This is the only kind a photo ID check at the polls is designed to stop.
- **Double voting.** Someone votes twice, for example in two states, or by mail and in person.
- **Voting while ineligible.** A noncitizen, or a person barred by a felony conviction under state law, registers or votes.
- **Absentee and mail ballot fraud.** Someone collects, fills in, alters or forges other people's mail ballots.
- **Vote buying.** Someone pays a voter to vote, or to vote a certain way.
- **Fraud by insiders.** An election official adds, removes or changes votes.

Federal law makes most of these crimes. Giving false information to register or vote, paying or taking pay for voting, and voting more than once in a federal election can each bring a fine of up to $10,000, up to five years in prison, or both.[551] A noncitizen who votes in a federal election can be fined and imprisoned for up to one year.[552] States have their own fraud laws on top of these.

Two more federal laws fill in the picture. The first covers any person, "including an election official," who in a federal election knowingly and willfully cheats the residents of a state out of "a

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[551] 52 U.S. Code Section 10307, "Prohibited acts," subsections (c) and (e), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/10307 (accessed November 12, 2026).

[552] 18 U.S. Code Section 611, "Voting by aliens," via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/18/611 (accessed November 12, 2026).

fair and impartially conducted election process." That includes casting or counting ballots "known by the person to be materially false, fictitious, or fraudulent." The penalty is a fine, up to 5 years in prison, or both.[553] In plain terms, the people who run and count an election are covered by fraud laws, not only the people who vote in it.

The federal ban on noncitizen voting also has a narrow exception. It does not apply to a person whose parents are or were citizens, who lived in the United States permanently before age 16, and who "reasonably believed at the time of voting" that he or she was a citizen.[554]

Documented Cases

Fraud does happen, and some cases have changed results. These are some of the best documented. Not all of them ended in a conviction, and I note where they did not.

Texas, 1948: Box 13

In the 1948 Democratic primary for U.S. Senate in Texas, "late and allegedly fraudulent election returns from Duval County and neighboring Jim Wells County gave Lyndon B. Johnson a narrow primary victory over Coke R. Stevenson."[555] The Texas State Historical Association describes "the suspicious late report of 200 votes in Box 13 from Jim Wells County, which had provided LBJ's eighty-seven-vote margin of victory."[556] Johnson went on to the Senate and later the presidency. The historical society's own wording is "allegedly fraudulent," and I found no court ruling that settled the question. Even so, the case is a reminder that fraud can come from people who handle the returns, not only from individual voters.

The ballot box at the center of the story belonged to Precinct 13 in Alice, the county seat of Jim Wells County. The Handbook of Texas says Alice "became the focal point of a federal investigation when it was alleged that Alice's Precinct 13 ballot box had been stuffed."[557] John Connally, Johnson's campaign manager, denied any tie to vote fraud. He said he had learned from Johnson's 1941 Senate loss, when a 5,000-vote lead was "whittled away by late election returns from East Texas," and in 1948 he told South Texas campaign workers to understate their early returns.[558] The lesson for readers is how much power sat with the people who reported the totals, and when they reported them.

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[553] 52 U.S. Code Section 20511, "Criminal penalties," via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/20511 (accessed November 12, 2026).

[554] 18 U.S. Code Section 611, "Voting by aliens," via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/18/611 (accessed November 12, 2026).

[555] Texas State Historical Association, Handbook of Texas Online, entry "Boss Rule". https://www.tshaonline.org/handbook (accessed November 12, 2026).

[556] Texas State Historical Association, Handbook of Texas Online, entry "Connally, John Bowden, Jr.". https://www.tshaonline.org/handbook (accessed November 12, 2026).

[557] Texas State Historical Association, Handbook of Texas Online, entry "Alice, TX." https://www.tshaonline.org/handbook/online/articles/hea01 (accessed November 12, 2026).

[558] Texas State Historical Association, Handbook of Texas Online, entry "Connally, John Bowden, Jr.". https://www.tshaonline.org/handbook/entries/connally-john-bowden-jr (accessed November 12, 2026).

Miami, 1997: Absentee Ballots in a Mayor's Race

In Miami's November 1997 mayoral election, Xavier Suarez defeated Joe Carollo, who challenged the result. A trial judge found a "pattern of fraudulent, intentional and criminal conduct" involving absentee ballots and ordered a new election.[559] The Florida appeals court instead threw out all of the absentee ballots and let the in-person vote stand, "resulting in the election of Joe Carollo as Mayor."[560] The court found "no evidence that Mr. Suarez knew of, or in any way participated in" the fraud.[561]

The appeals court laid out the evidence the trial judge relied on. A document examiner concluded that 225 illegal absentee ballots were cast. An FBI agent identified 113 confirmed false voter addresses. There was evidence of 14 stolen ballots and 140 falsely witnessed ballots, and more than 480 ballots were procured or witnessed by 29 "ballot brokers" who invoked their privilege against self-incrimination instead of testifying.[562]

You might ask, "Why not just hold the election again?" The court said a new election would send the wrong message. Drawing on testimony from the county elections supervisor, it wrote that approving a new election would mean "sending out the message that the worst that would happen in the face of voter fraud would be another election." The court also refused to throw out the votes of "the more than 40,000 voters" who had voted in person, since no one found anything wrong with the machine count.[563]

North Carolina's Ninth District, 2018

In the 2018 race for North Carolina's Ninth Congressional District, Republican Mark Harris led Democrat Dan McCready by 905 votes.[564] After a hearing and an investigation that included "142 voter interviews," the State Board of Elections voted 5 to 0 to order a new election.[565] The board's order found an absentee ballot operation "coordinated by Leslie McCrae Dowless Jr. and others, and funded principally by the Harris Committee through its consulting firm Red Dome

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[559] Associated Press, "Judge Tosses Out Miami Election," via CBS News, March 4, 1998. https://www.cbsnews.com/news/judge-tosses-out-miami-election (accessed November 12, 2026).

[560] In re the Matter of the Protest of Election Returns and Absentee Ballots in the November 4, 1997 Election for the City of Miami, 707 So. 2d 1170 (Fla. 3d DCA, March 11, 1998).

[561] In re the Matter of the Protest of Election Returns and Absentee Ballots in the November 4, 1997 Election for the City of Miami, 707 So. 2d 1170 (Fla. 3d DCA, March 11, 1998).

[562] In re the Matter of the Protest of Election Returns and Absentee Ballots in the November 4, 1997 Election for the City of Miami, 707 So. 2d 1170 (Fla. 3d DCA, March 11, 1998), via HallApproved.com. https://hallapproved.com/fl/cases/appeals/1998/1671252 (accessed November 12, 2026).

[563] In re the Matter of the Protest of Election Returns and Absentee Ballots in the November 4, 1997 Election for the City of Miami, 707 So. 2d 1170 (Fla. 3d DCA, March 11, 1998), via HallApproved.com. https://hallapproved.com/fl/cases/appeals/1998/1671252 (accessed November 12, 2026).

[564] North Carolina State Board of Elections, press release, "State Board Orders New Election in 9th Congressional District," February 2019. https://www.ncsbe.gov/news/press-releases/2019/02/21/state-board-orders-new-election-9th-congressional-district (accessed November 12, 2026).

[565] North Carolina State Board of Elections, press release, "State Board Orders New Election in 9th Congressional District," February 2019. https://www.ncsbe.gov/news/press-releases/2019/02/21/state-board-orders-new-election-9th-congressional-district (accessed November 12, 2026).

Group."[566] The board said the election "was corrupted by fraud, improprieties, and irregularities."[567]

According to the Associated Press, workers in the operation "were directed to collect blank or incomplete ballots, forge signatures on them and even fill in votes."[568] Dowless faced more than a dozen state criminal charges but died in April 2022 before his trial. No charges were filed against Harris.[569]

The board's written order shows how the scheme worked. Dowless paid workers in cash, at first "$150.00 per 50 absentee ballot request forms collected and $125.00 per 50 absentee ballots collected." He often told workers to sign as witnesses on ballot envelopes when they had not seen the voter mark the ballot.[570] In the part of Bladen County inside the district, the county sent out 1,323 mail ballots, and 595 of them were never returned.[571]

The board also found a second problem that had nothing to do with mail ballots. Bladen County's early voting results "were improperly and unlawfully tabulated at 1:44 p.m. on November 3, 2018," and at least four poll workers who were present had access to those results.[572] The vote for a new election came after Harris himself "conceded during his testimony that the public's confidence had been undermined to such an extent that a new election was warranted."[573]

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[566] North Carolina State Board of Elections, Order in the Matter of Investigation of Election Irregularities Affecting Counties Within the 9th Congressional District, March 13, 2019. https://dl.ncsbe.gov/State_Board_Meeting_Docs/Congressional_District_9_Portal/Order_03132019.pdf (accessed November 12, 2026).

[567] North Carolina State Board of Elections, Order in the Matter of Investigation of Election Irregularities Affecting Counties Within the 9th Congressional District, March 13, 2019. https://dl.ncsbe.gov/State_Board_Meeting_Docs/Congressional_District_9_Portal/Order_03132019.pdf (accessed November 12, 2026).

[568] Associated Press, "Dowless, key figure in NC absentee ballot fraud probe, dies," April 24, 2022, via WFAE. https://www.wfae.org/obituaries/2022-04-24/dowless-key-figure-in-nc-absentee-ballot-fraud-probe-dies (accessed November 12, 2026).

[569] Associated Press, "Dowless, key figure in NC absentee ballot fraud probe, dies," April 24, 2022, via WFAE. https://www.wfae.org/obituaries/2022-04-24/dowless-key-figure-in-nc-absentee-ballot-fraud-probe-dies (accessed November 12, 2026).

[570] North Carolina State Board of Elections, Order in the Matter of Investigation of Election Irregularities Affecting Counties Within the 9th Congressional District, March 13, 2019, paragraphs 36-37 and 62. https://dl.ncsbe.gov/State_Board_Meeting_Docs/Congressional_District_9_Portal/Order_03132019.pdf (accessed November 12, 2026).

[571] North Carolina State Board of Elections, Order in the Matter of Investigation of Election Irregularities Affecting Counties Within the 9th Congressional District, March 13, 2019, paragraphs 29-30. https://dl.ncsbe.gov/State_Board_Meeting_Docs/Congressional_District_9_Portal/Order_03132019.pdf (accessed November 12, 2026).

[572] North Carolina State Board of Elections, Order in the Matter of Investigation of Election Irregularities Affecting Counties Within the 9th Congressional District, March 13, 2019, paragraphs 130-135. https://dl.ncsbe.gov/State_Board_Meeting_Docs/Congressional_District_9_Portal/Order_03132019.pdf (accessed November 12, 2026).

[573] North Carolina State Board of Elections, press release, "State Board Unanimously Orders New Election in 9th Congressional District," February 2019. https://www.ncsbe.gov/news/press-releases/2019/02/25/state-board-unanimously-orders-new-election-9th-congressional (accessed November 12, 2026).

Paterson, New Jersey, 2020

Paterson's May 2020 city council elections were held entirely by mail. In the Third Ward race, challenger Alex Mendez finished 240 votes ahead of Councilman William McKoy. Mendez was later charged with crimes including "fraud in casting mail-in votes" and "unauthorized possession of ballots." A judge voided the result, ordered a new election for November 3, 2020, and barred Mendez from taking the seat.[574]

Double Voting in Nevada and Arizona, 2020

In 2025, Nevada's attorney general announced the sentencing of a Las Vegas man who pleaded guilty to attempting to vote in both Las Vegas and Kingman, Arizona, in the 2020 presidential election. The case was investigated by the Nevada Secretary of State's office, and he received probation and a suspended prison sentence.[575]

Noncitizen Voting Charges in North Carolina, 2026

On October 15, 2026, federal prosecutors in eastern North Carolina announced that "a federal grand jury indicted 10 noncitizens" accused of voting, mostly in the 2024 general election, under the federal laws against voting by noncitizens and falsely claiming citizenship to vote.[576] These are charges, not convictions. The announcement did not say that any election result changed.[577]

Wisconsin, 2020: Small Numbers Found in the Records

Official reviews of 2020 also turned up a few ineligible votes. Wisconsin's nonpartisan Legislative Audit Bureau found that "11 individuals who died before November 3, 2020, likely voted." Clerks had already mailed absentee ballots to all 11 by the time they received the possible death-record matches, 10 days before the election.[578] It also found that "eight individuals with ongoing felony sentences may have voted."[579] For scale, 3.3 million ballots were cast in that election.[580] When state data show that a person with an ongoing felony sentence may have

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[574] New Jersey Globe, "Amidst voter fraud allegations, judge orders new election in Paterson," August 19, 2020. https://newjerseyglobe.com/local/amidst-voter-fraud-allegations-judge-orders-new-election-in-paterson/ (accessed November 12, 2026).

[575] Nevada Attorney General, press release, "Attorney General Ford, Secretary of State Aguilar Announce Sentencing of Las Vegas Resident for Attempting to Vote Twice in 2020 Presidential Election," January 13, 2025. https://ag.nv.gov/News/PR/2025/Attorney_General_Ford,_Secretary_of_State_Aguilar_Announce_Sentencing_of_Las_Vegas_Resident_for_Attempting_to_Vote_Twice_in_2020_Presidential_Election (accessed November 12, 2026).

[576] U.S. Attorney's Office, Eastern District of North Carolina, "EDNC Unveils Ten Federal Indictments Alleging Noncitizens Voted in the 2024 Election," October 15, 2026. https://www.justice.gov/usao-ednc/pr/ednc-unveils-ten-federal-indictments-alleging-noncitizens-voted-2024-election (accessed November 12, 2026). 18 U.S. Code Section 611, "Voting by aliens," via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/18/611 (accessed November 12, 2026).

[577] U.S. Attorney's Office, Eastern District of North Carolina, "EDNC Unveils Ten Federal Indictments Alleging Noncitizens Voted in the 2024 Election," October 15, 2026. https://www.justice.gov/usao-ednc/pr/ednc-unveils-ten-federal-indictments-alleging-noncitizens-voted-2024-election (accessed November 12, 2026).

[578] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[579] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[580] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

voted, Wisconsin law requires the state elections commission to notify the district attorney in that county.[581] Notice the audit's careful wording: "likely voted" and "may have voted" are findings that call for follow-up. They are not convictions.

What These Cases Show

The cases above point to a pattern. The ones that changed or voided results, such as Miami, North Carolina's Ninth District and Paterson, involved mail ballots or insiders, were organized, and were aimed at close local or primary races. None of them was the kind of in-person impersonation that a photo ID check at the polls is meant to stop. Most cases involving individual voters, such as double voting or noncitizen voting, involve a handful of ballots.

How Fraud Gets Caught

Fraud is caught in more ways than most people realize:

- **List checks.** Election offices compare voter lists with death records, motor vehicle data and other states' lists, including through ERIC (Chapter 12).
- **Mail ballot checks.** In 2024, 11.1 percent of rejected mail ballots were rejected because the voter had already cast a ballot that was counted. The system caught them.[582]
- **Statistics and complaints.** In Miami, the absentee results drew attention when a statistician found them "literally off the charts."[583]
- **Interviews and subpoenas.** North Carolina's board built its Ninth District case on voter and witness interviews and subpoenas.[584]
- **Other government records.** Georgia's 2024 citizenship audit found noncitizens through statements they made to avoid jury duty.[585]

How Often Does Fraud Happen?

This is where the argument usually breaks down, so I want to be careful about what each count measures.

Collections of cases. The Heritage Foundation, a conservative think tank, keeps an online database of proven voter fraud cases, which supporters of stricter rules cite to show that fraud is real and ongoing. [Not verified] I could not open the database to confirm its current total, so I do not give a number. A case list like this shows that fraud happens. It cannot, by itself, give a

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[581] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[582] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[583] In re the Matter of the Protest of Election Returns and Absentee Ballots in the November 4, 1997 Election for the City of Miami, 707 So. 2d 1170 (Fla. 3d DCA, March 11, 1998).

[584] North Carolina State Board of Elections, press release, "State Board Orders New Election in 9th Congressional District," February 2019. https://www.ncsbe.gov/news/press-releases/2019/02/21/state-board-orders-new-election-9th-congressional-district (accessed November 12, 2026).

[585] Associated Press, "Georgia citizenship audit finds few noncitizens on voter rolls," via WUGA, October 23, 2024. https://www.wuga.org/local-news/2024-10-23/georgia-citizenship-audit-finds-few-noncitizens-on-voter-rolls (accessed November 12, 2026).

rate, because it does not say how many cases were missed or compare them to the total number of votes.

Studies of rates. Other researchers have tried to measure how often specific kinds of fraud happen:

- A 2007 Brennan Center study by Justin Levitt looked at state investigations. For example, it found a double-voting rate of 0.0003 percent in Missouri in 2000 and 0.0004 percent in New Jersey in 2004, and a rate of 0.0025 percent for ineligible felon voting in Milwaukee in 2004.[586]
- In 2014, Levitt reported finding "about 31 different incidents" of possible in-person impersonation from 2000 through 2014, a period in which more than 1 billion ballots were cast in general and primary elections.[587]
- In 2012, the News21 journalism project at Arizona State University built a database of 2,068 alleged election fraud cases since 2000 and found "only 10" cases of in-person impersonation.[588]

Note who produced each count. The Brennan Center is a progressive-leaning group, and the Heritage Foundation is a conservative one. I cite both only to show what each side argues. The numbers I rely on most are the ones tied to official records, such as state audits and court cases.

You might ask, "Couldn't there be lots of fraud nobody catches?" It is a fair question, and no study can prove that something never happens. But the checks described in Part Two leave records: sign-in lists, envelope signatures, ballot counts that must match the number of voters, and paper ballots that can be recounted. Large-scale fraud would have to beat many of those checks at once, in many places, without leaving traces. The cases in this chapter were caught exactly because they left traces.

What Each Side Says, in Its Own Words

The argument about how common fraud is has two serious sides, and each deserves to be heard in its own words.

People worried about fraud often point to the Supreme Court. In the Crawford voter ID case (Chapter 10), the lead opinion noted that the record contained "no evidence" of in-person impersonation in Indiana's history. It still found that "flagrant examples of such fraud in other parts of the country have been documented throughout this Nation's history," and that Indiana's own absentee ballot fraud in a 2003 mayoral primary showed "not only is the risk of voter fraud real but that it could affect the outcome of a close election."[589] The same opinion quoted the

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[586] Justin Levitt, "The Truth About Voter Fraud," Brennan Center for Justice (progressive-leaning legal policy institute), 2007. https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf (accessed November 12, 2026).

[587] Justin Levitt, "A comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion ballots cast," Washington Post (Wonkblog), August 6, 2014, as reposted by 3 Quarks Daily. https://3quarksdaily.com/?p=14089 (accessed November 12, 2026).

[588] Corbin Carson, "Exhaustive Database of Voter Fraud Cases Turns Up Scant Evidence That It Happens," News21 (Arizona State University), August 12, 2012. https://votingrights.news21.com/article/election-fraud-explainer (accessed November 12, 2026).

[589] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

2005 Commission on Federal Election Reform, known as the Carter-Baker Commission: "There is no evidence of extensive fraud in U. S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election."[590] That commission added that the system "cannot inspire public confidence if no safeguards exist to deter or detect fraud."[591] [Not verified: I tried to open the Heritage Foundation's case database at heritage.org/voterfraud and one of its case pages, and neither would open for me, so I cannot quote its own description of its findings.]

People who think fraud is rare make a different point. The Brennan Center, a progressive-leaning legal policy group, wrote in its 2007 report that "voter fraud" should mean fraud by voters: people who "cast ballots despite knowing that they are ineligible to vote." It argued that many claims "amount to a great deal of smoke without much fire."[592] Notice that this definition leaves out fraud by election officials and campaign workers, which is exactly the kind found in Miami and North Carolina. Both sides should keep that in mind when they compare numbers.

In my view, the most useful part of the Brennan report is its list of ways that innocent records can look like fraud. Its examples include these:

In New Jersey in 2005, some supposed double voters "matched" on a birthdate of January 1, 1880, which "was simply a system default for missing information."[593]
In a group of 23 people, two will more likely than not share a birthday, so two different voters with the same name and birthdate are not unusual in a big state.[594]
In New Hampshire in 2004, 67 people were on the rolls in both Dover and Durham, but "each of the 67 had moved from one town to the other, and each voted only once."[595]

Here is what I take from both sides. The lead opinion in Crawford and the Carter-Baker Commission agree that fraud occurs and can swing a close race. The Brennan Center agrees that it occurs, but says most large claims fall apart when someone checks the records. Those positions are closer than the shouting suggests. The real dispute is about rates and about which rules are worth their cost, and the records in this chapter can inform that question but not settle it.

What to Take From This Chapter

- Fraud happens, and some documented cases have changed or voided close local races.

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[590] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

[591] Crawford v. Marion County Election Board, 553 U.S. 181 (April 28, 2008), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supct/html/07-21.ZO.html (accessed November 12, 2026).

[592] Justin Levitt, "The Truth About Voter Fraud," Brennan Center for Justice (progressive-leaning legal policy institute), 2007. https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf (accessed November 12, 2026).

[593] Justin Levitt, "The Truth About Voter Fraud," Brennan Center for Justice (progressive-leaning legal policy institute), 2007. https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf (accessed November 12, 2026).

[594] Justin Levitt, "The Truth About Voter Fraud," Brennan Center for Justice (progressive-leaning legal policy institute), 2007. https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf (accessed November 12, 2026).

[595] Justin Levitt, "The Truth About Voter Fraud," Brennan Center for Justice (progressive-leaning legal policy institute), 2007. https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf (accessed November 12, 2026).

- The cases that changed or voided results involved organized schemes with mail ballots, not people impersonating voters at the polls.
- An allegation, a charge and a conviction are different things.
- Case lists show that fraud exists; they cannot by themselves show how common it is. The best rate studies find very low rates for the kinds of fraud they measured.

Part Six: Disputed Elections

Every few decades, a presidential election ends in a fight over the count. Part Six looks at seven of them, from 1876 to 2024, plus the 2026 midterm elections as far as the record went by the cutoff.

For each one, I separate three things: what the official records show, what was alleged, and what investigators, auditors and courts actually found. The chapters are in time order, and each one ends with a short summary.

Chapter 14: 1876: Hayes, Tilden and the Electoral Commission

A Close Count and Twenty Disputed Votes

On election night, November 7, 1876, Democrat Samuel Tilden "led by about 250,000 votes, but was one electoral vote shy of victory."[596] Turnout was about 82 percent of eligible voters, one of the highest in American history.[597]

Twenty electoral votes were in dispute. Nineteen came from three Southern states still under Reconstruction governments: Florida (4), Louisiana (8) and South Carolina (7). One came from Oregon, where the Democratic governor disqualified a Republican elector because he held a federal job as an assistant postmaster.[598] Without those 20 votes, Tilden had 184 and Rutherford B. Hayes had 165. It took 185 to win.[599]

In the Southern states, rival officials sent in competing returns. In Florida, for example, "the state canvassing board threw out about 2,000 votes, leaving Hayes with a lead of 924 votes."[600]

The Returning Boards and the Violence

In each of the three Southern states, a state "returning board" decided which local returns to count, and it could throw out votes it judged fraudulent. The Hayes Presidential Library says all three boards were "controlled by Republicans."[601] The Miller Center explains that the boards "argued that fraud, intimidation, and violence in certain districts invalidated votes, and they threw out enough Democratic votes for Hayes to win."[602]

The violence was real. The Hayes library describes "bulldozing," which it defines as "coercion by threat of violence and intimidation," aimed at "African Americans and southern Republicans by

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[596] Rutherford B. Hayes Presidential Library and Museums, "Disputed Election of 1876". https://www.rbhayes.org/hayes/disputed-election-of-1876/ (accessed November 12, 2026).

[597] Sheila Blackford, "Disputed Election of 1876," Miller Center, University of Virginia. https://millercenter.org/the-presidency/educational-resources/disputed-election-1876 (accessed November 12, 2026).

[598] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026). Sheila Blackford, "Disputed Election of 1876," Miller Center, University of Virginia. https://millercenter.org/the-presidency/educational-resources/disputed-election-1876 (accessed November 12, 2026).

[599] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

[600] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

[601] Sheila Blackford, "Disputed Election of 1876," Miller Center, University of Virginia. https://millercenter.org/the-presidency/educational-resources/disputed-election-1876 (accessed November 12, 2026). Rutherford B. Hayes Presidential Library and Museums, "Disputed Election of 1876". https://www.rbhayes.org/hayes/disputed-election-of-1876/ (accessed November 12, 2026).

[602] Sheila Blackford, "Disputed Election of 1876," Miller Center, University of Virginia. https://millercenter.org/the-presidency/educational-resources/disputed-election-1876 (accessed November 12, 2026).

white supremacist Democrats in an attempt to keep them from the polls." It also says "repeaters" stuffed ballot boxes, especially in South Carolina, and that "in some counties over 100% of the eligible voters voted."[603]

So which side cheated? The honest answer is both. The Hayes library summarizes historian Paul Leland Haworth's view that there were two "steals." Democrats suppressed the vote "through intimidation, violence, and fraud," and Republicans "attempted to gain back those votes by throwing out enough to secure the state and national elections."[604] Keep in mind that this is Hayes's own presidential library, so it is worth reading next to other sources.

President Ulysses S. Grant played a large part. According to historian Brooks Simpson, Grant told Army commanders to keep order and make sure the returning boards were "unmolested in the performance of their duties." Grant added: "No man worthy of the office of President should be willing to hold it if 'counted in' or placed there by fraud."[605] Simpson writes that Grant privately doubted Louisiana's board, whose conduct "was such as to render suspicious whatever result it might certify." The board ruled for Hayes on December 5.[606] South Carolina had a different fight: two rival state legislatures each claimed to be the lawful one, and Grant refused to recognize the Democratic claim.[607]

The Electoral Commission

The Constitution did not say who should decide between competing returns. Congress invented a solution. A law signed January 29, 1877, created a 15-member Electoral Commission: five senators, five representatives and five Supreme Court justices.[608] The plan was to balance the parties, with one independent justice, David Davis, holding the swing seat. But Davis left to take a seat in the U.S. Senate, and a Republican justice, Joseph Bradley, took his place.[609]

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[603] Rutherford B. Hayes Presidential Library and Museums, "Frequently Asked Questions on the 1876 Election." https://www.rbhayes.org/hayes/frequently-asked-questions-on-the-1876-election/ (accessed November 12, 2026).

[604] Rutherford B. Hayes Presidential Library and Museums, "Frequently Asked Questions on the 1876 Election." https://www.rbhayes.org/hayes/frequently-asked-questions-on-the-1876-election/ (accessed November 12, 2026).

[605] Brooks D. Simpson, "Ulysses S. Grant and the Electoral Crisis of 1876-77," Hayes Historical Journal 11, no. 2 (Winter 1992), via Rutherford B. Hayes Presidential Library and Museums. https://www.rbhayes.org/research/hayes-historical-journal-ulysses-s.-grant/ (accessed November 12, 2026).

[606] Brooks D. Simpson, "Ulysses S. Grant and the Electoral Crisis of 1876-77," Hayes Historical Journal 11, no. 2 (Winter 1992), via Rutherford B. Hayes Presidential Library and Museums. https://www.rbhayes.org/research/hayes-historical-journal-ulysses-s.-grant/ (accessed November 12, 2026).

[607] Brooks D. Simpson, "Ulysses S. Grant and the Electoral Crisis of 1876-77," Hayes Historical Journal 11, no. 2 (Winter 1992), via Rutherford B. Hayes Presidential Library and Museums. https://www.rbhayes.org/research/hayes-historical-journal-ulysses-s.-grant/ (accessed November 12, 2026).

[608] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026). Sheila Blackford, "Disputed Election of 1876," Miller Center, University of Virginia. https://millercenter.org/the-presidency/educational-resources/disputed-election-1876 (accessed November 12, 2026).

[609] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026). Rutherford B. Hayes Presidential Library and Museums, "Disputed Election of 1876". https://www.rbhayes.org/hayes/disputed-election-of-1876/ (accessed November 12, 2026).

The commission then voted 8 to 7, along party lines, to give every disputed electoral vote to Hayes.[610] The final count was Hayes 185, Tilden 184.[611] Congress declared the result at 4:11 a.m. on March 2, 1877, just days before the inauguration.[612]

Florida was not the only state with more than one return. Florida and Louisiana each sent three certificates to Congress.[613] In Oregon, the commission unanimously rejected a rival slate and then voted 8 to 7 to accept John Watts as an elector. The majority reasoned that his federal job did not matter, because he resigned it after the election and was then reappointed as an elector before he voted.[614]

The last days were tense. House Democrats tried to stall the count with a filibuster. Speaker Samuel Randall, himself a Tilden supporter, shut the effort down, telling protesting members: "If gentlemen forget themselves, it is the duty of the Chair to remind them that they are members of the American Congress."[615] Because March 4 fell on a Sunday, Grant and Secretary of State Hamilton Fish had Hayes sworn in privately at the White House on Saturday, March 3. They worried that someone might try to install Tilden during the one-day gap.[616]

Was There a Deal?

You will often read that the election was settled by a "Compromise of 1877," in which Democrats accepted Hayes in return for the end of Reconstruction. The sources disagree on how much of a deal there was. The National Constitution Center says party leaders "reportedly met" at Washington's Wormley Hotel and agreed that Southern Democrats would accept Hayes and Republicans would remove federal troops from the South.[617] The Miller Center at the University of Virginia is more doubtful. It says it is "doubtful" that the two sides reached "any sort of deal beyond what Hayes promised" in his letter accepting the nomination.[618] What is not in dispute is that in April 1877 Hayes ordered the federal troops at the Southern statehouses to pull back.

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[610] Sheila Blackford, "Disputed Election of 1876," Miller Center, University of Virginia. https://millercenter.org/the-presidency/educational-resources/disputed-election-1876 (accessed November 12, 2026).

[611] National Archives, Office of the Federal Register, "1876 Electoral College Results" (last reviewed June 27, 2024). https://www.archives.gov/electoral-college/1876 (accessed November 12, 2026).

[612] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

[613] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

[614] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

[615] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

[616] Rutherford B. Hayes Presidential Library and Museums, "Frequently Asked Questions on the 1876 Election." https://www.rbhayes.org/hayes/frequently-asked-questions-on-the-1876-election/ (accessed November 12, 2026).

[617] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

[618] Sheila Blackford, "Disputed Election of 1876," Miller Center, University of Virginia. https://millercenter.org/the-presidency/educational-resources/disputed-election-1876 (accessed November 12, 2026).

How large that withdrawal was, and whether 1877 truly marks the end of Reconstruction, is discussed below.[619]

The Hayes Presidential Library goes further than the Miller Center. It says the meeting at Wormley's Hotel took place on February 26, 1877, that "Hayes had no part in this meeting," and that Edward Burke, the leader of the Louisiana Democrats there, called it a "bluff game."[620] It also calls the idea of a "large federal army" in the South a myth: when Hayes took office in March 1877, only about 3,200 of the Army's 25,000 soldiers were stationed there. In April 1877, Hayes ordered the troops at the statehouses in Columbia and New Orleans to pull back, after seeking promises from the Democratic claimants to protect the rights of Black citizens.[621] The library quotes historian Allan Peskin: "A deal whose major terms are never carried out appears suspiciously like no deal at all."[622]

Other historians read the ending more harshly. The Miller Center writes that once the troops left, white Southerners "quickly turned their backs on their pledges, systematically disenfranchising black voters through poll taxes, literacy tests, and intimidation."[623] Chapter 2 tells that part of the story.

How Tilden Responded

Tilden accepted the result in the sense that he did not resist it.[624] He did not accept that it was fair. In a speech to the Manhattan Club in New York, printed in the New York Herald on June 13, 1877, he said "the men who were elected by the people President and Vice President of the United States were 'counted out,' and men who were not elected were 'counted in' and seated."[625]

He framed it as a warning for the future rather than a personal grievance: "If the men in possession of the government can, in one instance, maintain themselves in power against an adverse decision at the elections, such an example will be imitated." He called for a change that

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[619] Sheila Blackford, "Disputed Election of 1876," Miller Center, University of Virginia. https://millercenter.org/the-presidency/educational-resources/disputed-election-1876 (accessed November 12, 2026).

[620] Rutherford B. Hayes Presidential Library and Museums, "Frequently Asked Questions on the 1876 Election." https://www.rbhayes.org/hayes/frequently-asked-questions-on-the-1876-election/ (accessed November 12, 2026).

[621] Rutherford B. Hayes Presidential Library and Museums, "Frequently Asked Questions on the 1876 Election." https://www.rbhayes.org/hayes/frequently-asked-questions-on-the-1876-election/ (accessed November 12, 2026).

[622] Rutherford B. Hayes Presidential Library and Museums, "Frequently Asked Questions on the 1876 Election." https://www.rbhayes.org/hayes/frequently-asked-questions-on-the-1876-election/ (accessed November 12, 2026).

[623] Sheila Blackford, "Disputed Election of 1876," Miller Center, University of Virginia. https://millercenter.org/the-presidency/educational-resources/disputed-election-1876 (accessed November 12, 2026).

[624] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

[625] Samuel J. Tilden, speech to the Manhattan Club, as printed in the New York Herald, June 13, 1877, text via Rutherford B. Hayes Presidential Library and Museums, "1876 Concession Speech of Samuel Tilden." https://www.rbhayes.org/hayes/1876-presidential-concession-speech/ (accessed November 12, 2026).

would "render a repetition of the wrong forever impossible," and he told his supporters, "Be of good cheer. The Republic will live."[626]

The Road to the 1887 Law

Part of the problem in 1876 was that Congress had no standing rule. The Hayes library notes that a joint rule for settling disputed electoral votes "had been rescinded by Republicans in February 1876," leaving only the Twelfth Amendment's vague wording.[627]

A decade later, Congress passed the Electoral Count Act of 1887, which left the decision "solely in the hands of Congress" instead of a commission that included Supreme Court justices.[628] During the debate, Senator John J. Ingalls called the 1877 commission "a device that was favored by each party in the belief that it would cheat the other, and it resulted, as I once before said, in defrauding both."[629] Chapter 8 explains how that law worked and how Congress rewrote it in 2022.

What to Take From This Chapter

- Twenty electoral votes from four states were disputed, and Congress created a special commission to decide them.
- The commission voted 8 to 7 for Hayes on every dispute, and Hayes won 185 to 184.
- Whether there was a secret bargain is debated by historians; the end of Reconstruction followed.
- The Electoral Count Act of 1887 (Chapter 8) was Congress's answer to the confusion of 1876.

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[626] Samuel J. Tilden, speech to the Manhattan Club, as printed in the New York Herald, June 13, 1877, text via Rutherford B. Hayes Presidential Library and Museums, "1876 Concession Speech of Samuel Tilden." https://www.rbhayes.org/hayes/1876-presidential-concession-speech/ (accessed November 12, 2026).

[627] Rutherford B. Hayes Presidential Library and Museums, "Frequently Asked Questions on the 1876 Election." https://www.rbhayes.org/hayes/frequently-asked-questions-on-the-1876-election/ (accessed November 12, 2026).

[628] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

[629] Scott Bomboy, "Looking Back: The Electoral Commission of 1877," National Constitution Center, January 4, 2021. https://constitutioncenter.org/blog/looking-back-the-electoral-commission-of-1877 (accessed November 12, 2026).

Chapter 15: 1960: Kennedy, Nixon and the Recounts

The Results

John F. Kennedy won 303 electoral votes to Richard Nixon's 219. Senator Harry F. Byrd of Virginia, who was not a candidate, received 15 electoral votes from unpledged and faithless electors in Alabama, Mississippi and Oklahoma.[630] The popular vote was far closer: "Kennedy won by just 112,000 votes out of 68 million cast," a margin of about 0.2 percent.[631]

Illinois and Texas

Two big states were close. Kennedy carried Illinois, with 27 electoral votes, by about 9,000 votes, and Texas, with 24, by about 46,000.[632] Had Nixon won both, he would have had 270 electoral votes, more than the 269 needed for a majority that year.[633] Claims of fraud centered on Chicago's Cook County and on parts of Texas.

According to historian David Greenberg, as cited by the National Constitution Center, "Republican officials pursued recounts and investigations in 11 states."[634] A partial recount of paper ballots in Cook County, studied later by historian Edmund Kallina, found that "a considerable number of votes appeared to have been stolen" from a local Republican candidate for state's attorney, "but much fewer from Nixon." Kallina concluded the problems were not large enough to change the presidential result in Illinois.[635]

Republicans did more than complain. A University of Idaho Library exhibit, drawing on historians' books, says Republican National Committee chairman Thruston Morton pressed Nixon to challenge the results and "ordered Republican party officials in 11 states to investigate the results," while Nixon "actively campaigned against Republican efforts to change the outcome."[636]

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[630] National Archives, Office of the Federal Register, "1960 Electoral College Results" (last reviewed June 27, 2024). https://www.archives.gov/electoral-college/1960 (accessed November 12, 2026).

[631] Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

[632] Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

[633] National Archives, Office of the Federal Register, "1960 Electoral College Results" (last reviewed June 27, 2024). https://www.archives.gov/electoral-college/1960 (accessed November 12, 2026).

[634] Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

[635] Livia Gershon, "Should Nixon Have Demanded a Recount?," JSTOR Daily, 2016 (updated 2018), summarizing Edmund F. Kallina, Journal of American Studies (1978). https://daily.jstor.org/should-nixon-have-demanded-a-recount (accessed November 12, 2026).

[636] University of Idaho Library, "Kennedy v Nixon," in the online exhibit "American Election Denial: 250 Years of Doubt." https://cdil.lib.uidaho.edu/american-election-denial/elections/1960.html (accessed November 12, 2026).

Texas had a special problem with its paper ballots. The same exhibit explains that voters had to "strike through each candidate they were NOT voting for," and that "many ballots were called into question." Republicans claimed that most voided ballots were in Republican counties and precincts.[637] That is a claim, not a finding. [Not verified: I searched for a Texas court ruling or state canvassing board record that tested the 1960 Texas fraud claims and found none I could open.]

Fraud claims ran in both directions. In Illinois, rumors said Chicago's Democratic machine stuffed ballot boxes, and "Democrats charged the GOP with similar tactics in southern Illinois."[638] Kallina also found that Chicago's two big daily papers sometimes ran "six to eight stories a day" on election fraud, and that some of these repeated "completely unsubstantiated charges."[639] Historian David Greenberg put the bottom line this way: "The GOP's failure to prove fraud doesn't mean, of course, that the election was clean. That question remains unsolved and unsolvable."[640]

Hawaii's Two Slates

The 1960 count also produced a rare case of competing electors. Hawaii's first count showed Nixon ahead, and a recount put Kennedy ahead. According to the National Archives, "The State of Hawaii appointed two sets of electors and officially sent both sets of certificates to Congress." Following a court decision, Congress counted the Democratic votes for Kennedy.[641]

The court decision came from Hawaii's own courts. The governor's second certificate says the result was "ascertained by judgment of the circuit court of the first judicial circuit, State of Hawaii," in a case called Lum v. Bush, entered on December 30, 1960. Under that judgment, each Democratic elector received 92,410 votes and each Republican elector received 92,295, a gap of 115 votes. Governor William Quinn signed the new certificate on January 4, 1961.[642]

Here is a detail worth noticing. The person presiding over the count on January 6, 1961, was Vice President Nixon, Kennedy's opponent. The official House record shows that Nixon handed the tellers all of Hawaii's certificates "in the order in which they had been received." He then

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[637] University of Idaho Library, "Kennedy v Nixon," in the online exhibit "American Election Denial: 250 Years of Doubt." https://cdil.lib.uidaho.edu/american-election-denial/elections/1960.html (accessed November 12, 2026).

[638] Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

[639] Livia Gershon, "Should Nixon Have Demanded a Recount?," JSTOR Daily, 2016 (updated 2018), summarizing Edmund F. Kallina, Journal of American Studies (1978). https://daily.jstor.org/should-nixon-have-demanded-a-recount (accessed November 12, 2026).

[640] Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

[641] National Archives, Office of the Federal Register, "1960 Electoral College Results" (last reviewed June 27, 2024). https://www.archives.gov/electoral-college/1960 (accessed November 12, 2026). Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

[642] U.S. House of Representatives, Deschler's Precedents of the United States House of Representatives, Volume 3, Chapter 10, Section 1.2, p. 1563, U.S. Government Publishing Office. https://www.govinfo.gov/content/pkg/GPO-HPREC-DESCHLERS-V3/pdf/GPO-HPREC-DESCHLERS-V3-1-3.pdf (accessed November 12, 2026).

said: "In order not to delay the further count of the electoral vote here, the Chair, without the intent of establishing a precedent, suggests that the electors named in the certificate of the Governor of Hawaii dated January 4, 1961, be considered as the lawful electors from the State of Hawaii."[643] "There was no objection," the record says, and the tellers counted Hawaii's three votes for Kennedy.[644]

Two points matter here. First, Nixon made a suggestion that took effect only because no one objected; the House precedent describes the decision as made by "unanimous consent." Second, the votes went to his opponent, though they did not change the winner, because Kennedy had 300 electoral votes without Hawaii. The House parliamentarian's note explains that Hawaii's recount "threw that state into the Democratic column" after the governor had first certified the Republican slate.[645]

The Byrd Electors

Hawaii was not the only unusual set of electors that year. In Alabama, 5 electors voted for Kennedy and 6 for Byrd. All 8 of Mississippi's electors voted for Byrd, and 1 of Oklahoma's 8 electors did too, while the other 7 voted for Nixon.[646] The Alabama and Mississippi votes came from "unpledged" electors, meaning electors who ran without promising to vote for any candidate. The Oklahoma vote came from a faithless elector (Chapter 9).

Nixon's Choice

Nixon conceded on November 9, 1960. Journalist Earl Mazo later reported Nixon telling him that "our country cannot afford the agony of a constitutional crisis."[647] Kallina wrote that Nixon's stance "was critical in aborting" what could have become a much more serious attack on Kennedy's victory, even though some Republican Party officials kept pushing recounts.[648]

Nixon explained his reasons in his own words. The University of Idaho exhibit, citing historians of the election, quotes him: "I could think of no worse example for nations abroad, who for the first time were trying to put free electoral procedures into effect, than that of the United States

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[643] U.S. House of Representatives, Deschler's Precedents of the United States House of Representatives, Volume 3, Chapter 10, Section 3.5, pp. 1568-1569, U.S. Government Publishing Office. https://www.govinfo.gov/content/pkg/GPO-HPREC-DESCHLERS-V3/pdf/GPO-HPREC-DESCHLERS-V3-1-4.pdf (accessed November 12, 2026).

[644] U.S. House of Representatives, Deschler's Precedents of the United States House of Representatives, Volume 3, Chapter 10, Section 3.5, pp. 1568-1569, U.S. Government Publishing Office. https://www.govinfo.gov/content/pkg/GPO-HPREC-DESCHLERS-V3/pdf/GPO-HPREC-DESCHLERS-V3-1-4.pdf (accessed November 12, 2026).

[645] U.S. House of Representatives, Deschler's Precedents of the United States House of Representatives, Volume 3, Chapter 10, Section 3.5, pp. 1568-1569, U.S. Government Publishing Office. https://www.govinfo.gov/content/pkg/GPO-HPREC-DESCHLERS-V3/pdf/GPO-HPREC-DESCHLERS-V3-1-4.pdf (accessed November 12, 2026).

[646] National Archives, Office of the Federal Register, "1960 Electoral College Results" (last reviewed June 27, 2024). https://www.archives.gov/electoral-college/1960 (accessed November 12, 2026).

[647] Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

[648] Livia Gershon, "Should Nixon Have Demanded a Recount?," JSTOR Daily, 2016 (updated 2018), summarizing Edmund F. Kallina, Journal of American Studies (1978). https://daily.jstor.org/should-nixon-have-demanded-a-recount (accessed November 12, 2026). Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

wrangling over the results of a presidential election."[649] Years later, though, Nixon wrote in an autobiography that widespread fraud did happen in Illinois and Texas.[650] So his choice was not a finding that the count was clean. It was a judgment that a long fight would cost the country more than it could gain.

What to Take From This Chapter

- Kennedy won 303 to 219 in the Electoral College but by only about 0.2 percent in the popular vote.
- Republicans pursued recounts and investigations in 11 states. Historians who studied Cook County found some fraud in local races but not enough to change the presidential result there.
- Hawaii sent two sets of electors, and Congress counted the Kennedy slate after a court ruling.

[649] University of Idaho Library, "Kennedy v Nixon," in the online exhibit "American Election Denial: 250 Years of Doubt." https://cdil.lib.uidaho.edu/american-election-denial/elections/1960.html (accessed November 12, 2026).

[650] Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

Chapter 16: 2000: Bush, Gore and Florida

Florida Decides the Election

Nationally, George W. Bush won 271 electoral votes to Al Gore's 266, but Gore won more popular votes.[651] The election turned on Florida's 25 electoral votes.

The first statewide count after Election Day showed Bush with 2,909,135 votes and Gore with 2,907,351, "a margin of 1,784 for Governor Bush." An automatic machine recount left Bush ahead "by a diminished margin."[652] On November 26, 2000, the Florida Elections Canvassing Commission certified Bush the winner.[653] The Federal Election Commission's official results list the final Florida count as 2,912,790 votes for Bush (48.85 percent) and 2,912,253 for Gore (48.84 percent), a margin of 537 votes out of 5,963,110 cast.[654]

The Recount Fight

What followed was 36 days of lawsuits over hand recounts, mostly about punch-card ballots that machines had not read as a vote for president. The Florida Supreme Court ordered a statewide manual recount of these "undervotes." Bush asked the U.S. Supreme Court to stop it.

In Bush v. Gore, decided December 12, 2000, the Supreme Court held that the recount as ordered violated the Equal Protection Clause because counties were using different standards to judge the same kind of ballot. The Court wrote: "Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another."[655] The Court said "Seven Justices of the Court agree that there are constitutional problems with the recount," and "the only disagreement is as to the remedy."[656] On the remedy, five justices concluded that no recount meeting constitutional standards could be finished by Florida's December 12 deadline, so the recount ended. Four justices dissented. The Court also said its reasoning was "limited to the present circumstances."[657]

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[651] National Archives, "2000 Electoral College Results," last reviewed January 20, 2022. https://www.archives.gov/electoral-college/2000 (accessed November 12, 2026).

[652] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[653] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[654] Federal Election Commission, "2000 Presidential General Election Results" (Federal Elections 2000), Florida. https://www.fec.gov/resources/cms-content/documents/FederalElections2000_PresidentialGeneralElectionResultsbyState.pdf (accessed November 12, 2026).

[655] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[656] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[657] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

What the Other Justices Wrote

The vote to stop the recount was 5 to 4, and the separate opinions show how deep the split ran.[658]

Chief Justice William Rehnquist, joined by Justices Antonin Scalia and Clarence Thomas, wrote a concurrence giving another reason to reverse. He pointed to Article II of the Constitution, which says each state appoints electors in the manner its legislature directs. Because of that, "the text of the election law itself, and not just its interpretation by the courts of the States, takes on independent significance." In his view, "A significant departure from the legislative scheme for appointing Presidential electors presents a federal constitutional question," and the Florida Supreme Court had departed from that scheme.[659]

All four dissenters disagreed with ending the recount. Justice John Paul Stevens wrote the most quoted line: "Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law."[660]

Justice David Souter agreed there was an equal treatment problem. He wrote that the counties' different standards "appear wholly arbitrary," but he would have sent the case back to Florida's courts "with instructions to establish uniform standards" for any further recounting.[661] Justice Ruth Bader Ginsburg doubted the majority's view that time had run out: "Such an untested prophecy should not decide the Presidency of the United States."[662] Justice Stephen Breyer warned that the Court had risked "a self-inflicted wound," one "that may harm not just the Court, but the Nation."[663]

You might ask, "So which side was right?" That is a matter of legal opinion, and serious judges landed on both sides. What is a matter of record is the outcome: the recount stopped, and Florida's certified count stood.

What Would a Full Recount Have Shown?

After the election, a group of eight news organizations hired the National Opinion Research Center (NORC) at the University of Chicago to examine 175,010 uncounted Florida ballots. Its review, released November 11, 2001, found that Bush "probably still would have won" the limited recounts that were actually under way. But Gore "probably would have won, by a range

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[658] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[659] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), Rehnquist, C.J., concurring, via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[660] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), Stevens, J., dissenting, via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[661] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), Souter, J., dissenting, via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[662] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), Ginsburg, J., dissenting, via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[663] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), Breyer, J., dissenting, via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

of 42 to 171 votes," under a full statewide recount of all disputed ballots, which, the same report notes, "Gore never asked for."[664]

The details explain why the answer stays uncertain. The Florida Supreme Court's recount covered only "undervotes," about 62,000 ballots on which machines found no vote for president. County officials could not deliver as many as 2,200 problem ballots to the reviewers, and the reviewers themselves differed slightly in how they read some ballots.[665] An earlier review by a different group, including the Miami Herald and USA Today, reached similar conclusions. USA Today reported that "Gore could not have won without a hand count of overvote ballots, something that he did not request."[666] An overvote is a ballot marked for more than one candidate in the same race, which a machine will not count.

The Civil Rights Commission's Findings

The U.S. Commission on Civil Rights held hearings with more than 100 witnesses. It concluded that "widespread voter disenfranchisement, not the dead-heat contest," was the extraordinary feature of Florida's election.[667] It found Black voters were "nearly 10 times more likely than nonblack voters to have their ballots rejected."[668] It also criticized a list of supposed felons used to purge voters, compiled by a private firm, which it said had "at least a 14.1 percent error rate."[669] At the same time, the report "does not find that the highest officials of the state conspired to disenfranchise voters."[670]

Ballot Design and Equipment

The commission found that ballot design cost many voters their votes. In Palm Beach County, "the so-called butterfly ballot" caused "massive voter confusion." That confusion "played a role in more than 19,000 Palm Beach County voters punching two separate holes when voting for President." It also helped Reform Party candidate Patrick Buchanan receive "approximately 3,400 votes" in the county, even though "there were only 337 Reform Party members" there. In Duval County, the presidential race was split over two pages, and the sample ballot told voters to vote every page.[671]

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[664] FactCheck.org, "The Florida Recount of 2000," January 22, 2008. https://www.factcheck.org/2008/01/the-florida-recount-of-2000 (accessed November 12, 2026).

[665] FactCheck.org, "The Florida Recount of 2000," January 22, 2008. https://www.factcheck.org/2008/01/the-florida-recount-of-2000 (accessed November 12, 2026).

[666] FactCheck.org, "The Florida Recount of 2000," January 22, 2008. https://www.factcheck.org/2008/01/the-florida-recount-of-2000 (accessed November 12, 2026).

[667] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Chapter 9: Findings and Recommendations. https://www.usccr.gov/pubs/vote2000/report/ch9.htm (accessed November 12, 2026).

[668] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Executive Summary (June 2001). https://www.usccr.gov/files/pubs/vote2000/report/exesum.htm (accessed November 12, 2026).

[669] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Executive Summary (June 2001). https://www.usccr.gov/files/pubs/vote2000/report/exesum.htm (accessed November 12, 2026).

[670] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Chapter 9: Findings and Recommendations. https://www.usccr.gov/pubs/vote2000/report/ch9.htm (accessed November 12, 2026).

[671] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Chapter 9: Findings and Recommendations. https://www.usccr.gov/pubs/vote2000/report/ch9.htm (accessed November 12, 2026).

The type of machine mattered too. Counties that scanned paper ballots at the precinct, where a machine can kick back a bad ballot so the voter can fix it, had an average spoilage rate of 0.83 percent. Counties that counted ballots at a central office averaged 5.68 percent for optical scan and 3.93 percent for punch cards.[672] A "spoiled" ballot here means one that could not be counted for president. By the time the report came out, Florida had passed a new law under which, as of September 2, 2002, punch card voting "may not be used in Florida."[673]

The commission also recommended "access to a provisional ballot in every polling place" for voters whose names could not be found.[674] A provisional ballot is one that is set aside until officials confirm the voter is eligible. The Help America Vote Act of 2002 created a federal right to cast one, and Chapter 17 shows how that right was tested in Ohio in 2004.[675]

The Two Dissenting Commissioners

Not every commissioner agreed. Commissioners Abigail Thernstrom and Russell Redenbaugh wrote a dissent that the commission says "is not an official document of the Commission."[676] The copy I read is posted by the Manhattan Institute, a conservative think tank. The two commissioners wrote that the report's central finding of "widespread disenfranchisement and denial of voting rights" in Florida "does not withstand even a cursory legal or scholarly scrutiny."[677]

Their main criticism was statistical. They relied on economist John Lott, who, they said, "was unable to find a consistent, statistical significant relationship between the share of voters who were African Americans and the ballot spoilage rate." They also said they had been denied the data behind the commission's own statistical study.[678] Readers can weigh both. The majority's findings are the commission's official record, and the dissent is the strongest written challenge to them.

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[672] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Chapter 9: Findings and Recommendations. https://www.usccr.gov/pubs/vote2000/report/ch9.htm (accessed November 12, 2026).

[673] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Chapter 9: Findings and Recommendations. https://www.usccr.gov/pubs/vote2000/report/ch9.htm (accessed November 12, 2026).

[674] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Chapter 9: Findings and Recommendations. https://www.usccr.gov/pubs/vote2000/report/ch9.htm (accessed November 12, 2026).

[675] Sandusky County Democratic Party v. Blackwell, 386 F.3d 815 (6th Cir. October 23, 2004) (per curiam order), via HallApproved.com. https://hallapproved.com/us/cases/ca6/2004/788091 (accessed November 12, 2026).

[676] U.S. Commission on Civil Rights, "The Florida Election Report: Dissenting Statement by Commissioner Abigail Thernstrom and Commissioner Russell G. Redenbaugh" (notice page), July 19, 2001. https://www.usccr.gov/pubs/vote2000/report/dissent.htm (accessed November 12, 2026).

[677] Commissioners Abigail Thernstrom and Russell G. Redenbaugh, "The Florida Election Report: Dissenting Statement," July 19, 2001, p. 1, as posted by the Manhattan Institute. https://media4.manhattan-institute.org/pdf/final_dissent.pdf (accessed November 12, 2026).

[678] Commissioners Abigail Thernstrom and Russell G. Redenbaugh, "The Florida Election Report: Dissenting Statement," July 19, 2001, pp. 1-2, as posted by the Manhattan Institute. https://media4.manhattan-institute.org/pdf/final_dissent.pdf (accessed November 12, 2026).

What Changed Afterward

Two years later, Congress passed the Help America Vote Act of 2002, which created the Election Assistance Commission and set new federal rules for statewide voter lists, provisional ballots and voting equipment (Chapter 5).[679]

What to Take From This Chapter

- Bush won Florida, and the presidency, after a recount fight that ended with Bush v. Gore.
- Seven justices saw constitutional problems with the recount; five voted to end it.
- A later media review found Bush would likely have won the recounts Gore requested, and Gore might have won a full statewide recount nobody requested.
- The Civil Rights Commission found serious problems with rejected ballots and the felon purge list, especially for Black voters, but no conspiracy by top state officials.

[679] U.S. Department of Justice, Civil Rights Division, "The Help America Vote Act of 2002," updated May 15, 2024. https://www.justice.gov/crt/help-america-vote-act-2002 (accessed November 12, 2026).

Chapter 17: 2004: The Ohio Objection

The Result

George W. Bush won Ohio "by 118,000 votes and carried the national contest by 3.3 million votes."[680] Ohio's 20 electoral votes gave him the presidency. The final electoral count was Bush 286, John Kerry 251, and one vote for John Edwards from a Minnesota elector.[681]

The Complaints

After the election, some Democrats raised complaints about how Ohio's voting was run. Kerry himself did not join the objection described below.[682]

The complaints centered on the voting itself rather than the count. Democrats in Congress pointed to "the missing voting machines, unusually long lines and other problems that plagued some Ohio districts, many in minority neighborhoods." Representative Stephanie Tubbs Jones said: "If they were willing to stand in polls for countless hours in the rain, as many did in Ohio, then I can surely stand up for them here in the halls of Congress."[683]

The Secretary of State's Answer

Ohio's chief election officer in 2004 was Secretary of State J. Kenneth Blackwell. He answered the complaints in a 2008 statement to a House Judiciary subcommittee. He said key decisions belonged to Ohio's 88 bipartisan county boards of elections, which "decide on the distribution ratios for voting equipment" and "decide the location of polling stations."[684]

Blackwell said Cuyahoga County, the state's largest, allocated machines evenly, "one machine to 117 voters," and that the long lines in parts of Columbus came from "unprecedented population growth" and "unprecedented voter turnout."[685] Citing a 2005 Electionline.org study, he said

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[680] Associated Press, "Congress Rejects Election Challenge," via NBC News, January 6, 2005. https://www.nbcnews.com/news/amp/wbna6794307 (accessed November 12, 2026).

[681] National Archives, Office of the Federal Register, "2004 Electoral College Results" (last reviewed November 27, 2019). https://www.archives.gov/electoral-college/2004 (accessed November 12, 2026).

[682] Sonny Bunch, Roll Call, "Democrats Contest Ohio Electoral Vote, but Bush Officially Re-elected," January 7, 2005. https://rollcall.com/2005/01/07/democrats-contest-ohio-electoral-vote-but-bush-officially-re-elected/ (accessed November 12, 2026).

[683] Associated Press, "Congress Rejects Election Challenge," via NBC News, January 6, 2005. https://www.nbcnews.com/news/amp/wbna6794307 (accessed November 12, 2026).

[684] J. Kenneth Blackwell, prepared statement, hearing on "Lessons Learned From the 2004 Election," Subcommittee on the Constitution, Civil Rights and Civil Liberties, House Committee on the Judiciary, July 24, 2008, p. 2, archived by the University of North Texas Libraries. https://webarchive.library.unt.edu/eot2008/20090118221524id_/http://judiciary.house.gov/hearings/pdf/Blackwell080724.pdf (accessed November 12, 2026).

[685] J. Kenneth Blackwell, prepared statement, hearing on "Lessons Learned From the 2004 Election," Subcommittee on the Constitution, Civil Rights and Civil Liberties, House Committee on the Judiciary, July 24, 2008, pp. 3-4, archived by the University of North Texas Libraries. https://webarchive.library.unt.edu/eot2008/20090118221524id_/http://judiciary.house.gov/hearings/pdf/Blackwell080724.pdf (accessed November 12, 2026).

Ohio counted 78 percent of its provisional ballots, compared with a national average of 68 percent.[686] Keep in mind that this is his own account, given years later, and I did not independently check the county figures. [Not verified: I searched for the 2005 House Judiciary Committee Democratic staff report on Ohio, which made the critics' case in detail, and could not find a copy I could open.]

The Provisional Ballot Lawsuit

The fight over provisional ballots reached a federal appeals court before Election Day. Blackwell had issued a directive on who could cast one, and a district court found that it violated the Help America Vote Act. On October 23, 2004, the Sixth Circuit agreed in part: any voter who affirms that he or she is registered and eligible "shall be permitted to cast a provisional ballot."[687] But the court reversed the part of the ruling that said the federal law required counting a provisional ballot cast anywhere in the voter's county, even outside the voter's own precinct.[688] In plain terms, the federal law guaranteed the right to cast the ballot, and state rules still decided whether it counted.

The Recount and the Cuyahoga Convictions

A recount followed in December 2004. Green Party candidate David Cobb and Libertarian candidate Michael Badnarik requested it, and it showed that Bush won by about 118,000 votes out of 5.5 million cast.[689]

In Cuyahoga County, the recount itself broke the rules. Ohio law required each county to recount a random 3 percent of its ballots by hand and by machine. A full hand count was required only if those samples kept showing differences.[690] Prosecutors said county election workers met behind closed doors before the public recount on December 16, 2004, to pick ballots "they knew would not cause discrepancies when checked by hand," so the county could avoid a full hand count.[691]

In January 2007, a jury convicted two of the workers, Jacqueline Maiden and Kathleen Dreamer, of a felony count of negligent misconduct and a misdemeanor count of failing to perform their duties. It acquitted them of five other charges, and it acquitted a third worker,

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[686] J. Kenneth Blackwell, prepared statement, hearing on "Lessons Learned From the 2004 Election," Subcommittee on the Constitution, Civil Rights and Civil Liberties, House Committee on the Judiciary, July 24, 2008, pp. 5-6, archived by the University of North Texas Libraries. https://webarchive.library.unt.edu/eot2008/20090118221524id_/http://judiciary.house.gov/hearings/pdf/Blackwell080724.pdf (accessed November 12, 2026).

[687] Sandusky County Democratic Party v. Blackwell, 386 F.3d 815 (6th Cir. October 23, 2004) (per curiam order), via HallApproved.com. https://hallapproved.com/us/cases/ca6/2004/788091 (accessed November 12, 2026).

[688] Sandusky County Democratic Party v. Blackwell, 386 F.3d 815 (6th Cir. October 23, 2004) (per curiam order), via HallApproved.com. https://hallapproved.com/us/cases/ca6/2004/788091 (accessed November 12, 2026).

[689] Associated Press, "Prosecutor claims recount rigged in Cuyahoga County," via The Vindicator (Youngstown, Ohio), January 19, 2007. https://vindyarchives.com/news/2007/jan/19/prosecutor-claims-recount-rigged-in-cuyahoga (accessed November 12, 2026).

[690] Associated Press, "Prosecutor claims recount rigged in Cuyahoga County," via The Vindicator (Youngstown, Ohio), January 19, 2007. https://vindyarchives.com/news/2007/jan/19/prosecutor-claims-recount-rigged-in-cuyahoga (accessed November 12, 2026).

[691] Associated Press, "Election workers found guilty of rigging recount in 2004," via The Vindicator (Youngstown, Ohio), January 25, 2007. https://vindyarchives.com/news/2007/jan/25/election-workers-found-guilty-of-rigging-recount (accessed November 12, 2026).

Rosie Grier, of all seven counts. The felony carried a possible sentence of six to 18 months.[692] [Not verified: I could not open a court record showing the final sentences or the result of any appeal.]

Two facts keep this case in proportion. The special prosecutor "did not claim the workers' actions affected the outcome of the election," and in the county's recount "Kerry gained 17 votes and Bush lost six." The defense said the workers were "simply following procedures as they understood them."[693] So this was proven misconduct by insiders, the kind Chapter 13 warns about, and it was caught and prosecuted. It did not change who won Ohio.

January 6, 2005

When Congress met to count the electoral votes, Representative Stephanie Tubbs Jones of Ohio and Senator Barbara Boxer of California filed a written objection. They argued Ohio's votes "were not, under all known circumstances, regularly given."[694] Because a senator and a representative had both signed, the two chambers separated to debate, as the 1887 law then required. The Senate rejected the objection 74 to 1, with Boxer the only vote for it, and the House rejected it 267 to 31.[695] During the debate, Democrats "recited stories of alleged voting irregularities" while "acknowledging that George W. Bush had more than enough votes to win." House Democratic leader Nancy Pelosi said there was "absolutely no question George W. Bush won" and described the debate as a way to push for election reform.[696] Roll Call reported it was only the third time in history, and the first since 1969, that such an objection had forced the two chambers to debate.[697]

Why This Chapter Matters

The 2004 objection shows the counting process working as written. Members of Congress used a legal procedure to raise concerns, debated them, and voted them down, and the result stood. The same procedure was used again in 2021 under very different circumstances (Chapter 19), which is one reason Congress raised the bar for objections in 2022 (Chapter 8).

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[692] Associated Press, "Election workers found guilty of rigging recount in 2004," via The Vindicator (Youngstown, Ohio), January 25, 2007. https://vindyarchives.com/news/2007/jan/25/election-workers-found-guilty-of-rigging-recount (accessed November 12, 2026).

[693] Associated Press, "Election workers found guilty of rigging recount in 2004," via The Vindicator (Youngstown, Ohio), January 25, 2007. https://vindyarchives.com/news/2007/jan/25/election-workers-found-guilty-of-rigging-recount (accessed November 12, 2026).

[694] Sonny Bunch, Roll Call, "Democrats Contest Ohio Electoral Vote, but Bush Officially Re-elected," January 7, 2005. https://rollcall.com/2005/01/07/democrats-contest-ohio-electoral-vote-but-bush-officially-re-elected/ (accessed November 12, 2026).

[695] Associated Press, "Congress Rejects Election Challenge," via NBC News, January 6, 2005. https://www.nbcnews.com/news/amp/wbna6794307 (accessed November 12, 2026). Sonny Bunch, Roll Call, "Democrats Contest Ohio Electoral Vote, but Bush Officially Re-elected," January 7, 2005. https://rollcall.com/2005/01/07/democrats-contest-ohio-electoral-vote-but-bush-officially-re-elected/ (accessed November 12, 2026).

[696] Sonny Bunch, Roll Call, "Democrats Contest Ohio Electoral Vote, but Bush Officially Re-elected," January 7, 2005. https://rollcall.com/2005/01/07/democrats-contest-ohio-electoral-vote-but-bush-officially-re-elected/ (accessed November 12, 2026).

[697] Sonny Bunch, Roll Call, "Democrats Contest Ohio Electoral Vote, but Bush Officially Re-elected," January 7, 2005. https://rollcall.com/2005/01/07/democrats-contest-ohio-electoral-vote-but-bush-officially-re-elected/ (accessed November 12, 2026).

The 2004 objection also followed a path used in 1969. That year, Representative James O'Hara and Senator Edmund Muskie objected after a North Carolina elector chosen for Nixon voted instead for George Wallace. They argued the Wallace vote was not "regularly given," and the two chambers separated to debate it, just as they did in 2005.[698] Both chambers agreed to count the Wallace vote.[699]

What to Take From This Chapter

- Bush won Ohio by about 118,000 votes.
- Democrats objected to Ohio's electoral votes in Congress, mainly to highlight problems with how the election was run, not to overturn it.
- Both chambers rejected the objection by wide margins.

[698] U.S. House of Representatives, Deschler's Precedents of the United States House of Representatives, Volume 3, Chapter 10, Section 3.6, pp. 1569-1570, U.S. Government Publishing Office. https://www.govinfo.gov/content/pkg/GPO-HPREC-DESCHLERS-V3/pdf/GPO-HPREC-DESCHLERS-V3-1-4.pdf (accessed November 12, 2026). Associated Press, "Congress Rejects Election Challenge," via NBC News, January 6, 2005. https://www.nbcnews.com/news/amp/wbna6794307 (accessed November 12, 2026).

[699] Associated Press, "Congress Rejects Election Challenge," via NBC News, January 6, 2005. https://www.nbcnews.com/news/amp/wbna6794307 (accessed November 12, 2026).

Chapter 18: 2016: Russian Interference and a Split Result

The Results

Hillary Clinton won the national popular vote with 65,853,514 votes (48.18 percent) to Donald Trump's 62,984,828 (46.09 percent).[700] Trump won the Electoral College 304 to 227. Those totals reflect seven faithless electors: two in Texas, one in Hawaii and four in Washington.[701] It was the fifth time the popular vote winner did not become president (Chapter 9).

What Russia Did

Two official investigations, one led by Republicans and Democrats together in the Senate and one by a special counsel, examined Russian activity in 2016.

The special counsel, Robert Mueller, reported that "The Russian government interfered in the 2016 presidential election in sweeping and systematic fashion," through a social media influence campaign and the hacking and release of Democratic emails.[702] He also reported that "the investigation did not establish that members of the Trump Campaign conspired or coordinated with the Russian government," and he noted he used the legal framework of conspiracy, "not the concept of 'collusion.'"[703]

The Senate Intelligence Committee's bipartisan report on election systems found that "The Russian government directed extensive activity, beginning in at least 2014 and carrying into at least 2017, against U.S. election infrastructure at the state and local level."[704] The Department of Homeland Security first identified 21 states whose systems were scanned, and later assessed that "all 50 states probably were scanned."[705] Russian-linked hackers "gained access to election

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[700] Federal Election Commission, "Federal Elections 2016," December 2017. https://www.fec.gov/resources/cms-content/documents/federalelections2016.pdf (accessed November 12, 2026).

[701] Federal Election Commission, "Federal Elections 2016," December 2017. https://www.fec.gov/resources/cms-content/documents/federalelections2016.pdf (accessed November 12, 2026).

[702] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[703] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[704] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[705] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

infrastructure systems across two states," but "none of these systems were involved in vote tallying."[706]

The most serious breach was in Illinois. The committee said hackers "accessed up to 200,000 voter registration records" and were in a position to change voter data, but it was "not aware of any evidence that they did so."[707] The Mueller report describes the same breach differently, saying hackers reached a database with information on "millions" of Illinois voters and "extracted data related to thousands of U.S. voters."[708] I give both because the two reports count differently.

The Social Media Campaign

The special counsel traced the social media side of the operation to the Internet Research Agency (IRA), a Russian organization funded by businessman Yevgeniy Prigozhin and companies he controlled.[709] According to the report, the IRA began targeting the United States as early as 2014, running accounts and group pages under fake American identities that dealt with divisive political and social issues.[710] By early to mid-2016, the report says, its work included supporting the Trump campaign and running down Hillary Clinton.[711]

How many people did it reach? Facebook told Congress in November 2017 that it had found 470 IRA-controlled accounts that made 80,000 posts between January 2015 and August 2017. Twitter later reported 3,814 IRA-controlled accounts and notified about 1.4 million people who may have been in contact with one.[712]

The most quoted number, 126 million, needs care. Facebook's testimony, quoted in the report, estimated that about 29 million people were served IRA content directly in their News Feeds, and that "approximately 126 million people may have been served content from a Page

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[706] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[707] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[708] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[709] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 14. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[710] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 14. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[711] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 14. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[712] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 15. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

associated with the IRA at some point during the two-year period."[713] Being served a post is not the same as reading it, and reading it is not the same as being persuaded by it.

The IRA also organized political rallies inside the United States while posing as American grassroots groups.[714] On the question of Americans working with it, the report states: "The investigation did not identify evidence that any U.S. persons knowingly or intentionally coordinated with the IRA's interference operation."[715]

The Hacking Units

The hacking came from Russian military intelligence, the Main Intelligence Directorate of the General Staff, known as the GRU. The report names two GRU units, Military Units 26165 and 74455, as the ones that broke into computers of the Clinton campaign, the Democratic National Committee (DNC) and the Democratic Congressional Campaign Committee (DCCC).[716]

A main tool was spearphishing: an email made to look as if it comes from a trusted sender, built to trick the reader into handing over access to an account. Between March 10 and March 15, 2016, Unit 26165 sent about 90 such emails to accounts at hillaryclinton.com, and GRU officers went on to steal "tens of thousands of emails" from the people they fooled, including campaign chairman John Podesta.[717] The January 2017 intelligence assessment said "with high confidence" that the GRU used the online personas Guccifer 2.0 and DCLeaks.com, and the website WikiLeaks, to release the stolen material.[718]

The second unit matters most for this book. The report says officers from Unit 74455 "separately hacked computers belonging to state boards of elections, secretaries of state, and U.S. companies that supplied software and other technology related to the administration of U.S. elections."[719] In August 2016, GRU officers put malicious software on the network of a company whose software many counties used to manage voter rolls. In November 2016, they sent spearphishing emails to more than 120 email accounts used by Florida county election officials.

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[713] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 15, note 6. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[714] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, Section II. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[715] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 14. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[716] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 36. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[717] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, pp. 36-37. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[718] Office of the Director of National Intelligence, "Assessing Russian Activities and Intentions in Recent US Elections," ICA 2017-01D, January 6, 2017 (declassified version; copy saved from the Senate Select Committee on Intelligence), Key Judgments. https://www.dni.gov/files/documents/ICA_2017_01.pdf (accessed November 12, 2026).

[719] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 37. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

The FBI believed this gave the GRU access to the network of at least one Florida county government, but the special counsel said his office did not independently verify that belief.[720]

The Indictments

The special counsel's investigation led to criminal charges against 13 Russian nationals and three Russian entities, including the IRA, filed in February 2018, mainly for conspiracy to defraud the United States.[721] In July 2018, a grand jury charged 12 GRU officers, mainly with conspiring to commit computer intrusions.[722] An indictment is a formal charge, not a conviction.

Were Votes Changed?

No official investigation found that they were. The Senate committee stated: "The Committee has seen no evidence that any votes were changed or that any voting machines were manipulated."[723] Whether Russia's influence campaign changed how people voted is a different question. No official investigation I reviewed tried to measure that, and I do not guess at it. The January 2017 intelligence community assessment, prepared by the Central Intelligence Agency, the Federal Bureau of Investigation and the National Security Agency, said plainly: "We did not make an assessment of the impact that Russian activities had on the outcome of the 2016 election." Its key judgment was this: "We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the US presidential election."[724]

It helps to know how the 2017 intelligence assessment graded its own judgments. It explained that confidence levels of "low, moderate, and high" refer to "the evidentiary basis, logic and reasoning, and precedents that underpin the judgments."[725] For its main findings, that Putin

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[720] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 51. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[721] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 14, note 4. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[722] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019, p. 36, note 109. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026).

[723] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026). U.S. Senate Select Committee on Intelligence, press release, "Senate Intel Releases Election Security Findings in First Volume of Bipartisan Russia Report," July 25, 2019. https://www.intelligence.senate.gov/press/senate-intel-releases-election-security-findings-first-volume-bipartisan-russia-report (accessed November 12, 2026).

[724] Office of the Director of National Intelligence, "Assessing Russian Activities and Intentions in Recent US Elections," ICA 2017-01D, January 6, 2017 (declassified version; copy saved from the Senate Select Committee on Intelligence), Scope and Key Judgments. https://www.dni.gov/files/documents/ICA_2017_01.pdf (accessed November 12, 2026).

[725] Office of the Director of National Intelligence, "Assessing Russian Activities and Intentions in Recent US Elections," ICA 2017-01D, January 6, 2017 (declassified version; copy saved from the Senate Select Committee on Intelligence), Scope and Sourcing, p. 2. https://www.dni.gov/files/documents/ICA_2017_01.pdf (accessed November 12, 2026).

ordered the campaign and that the Russian government "developed a clear preference for President-elect Trump," the agencies wrote, "We have high confidence in these judgments."[726]

On one judgment the agencies did not agree on how sure they were. The assessment said Putin and his government "aspired to help President-elect Trump's election chances when possible by discrediting Secretary Clinton," and then added: "CIA and FBI have high confidence in this judgment; NSA has moderate confidence."[727]

The 2025 Review of the 2017 Assessment

In May 2025, CIA Director John Ratcliffe asked the agency's analysis directorate for a "lessons-learned review" of how the classified version of the 2017 assessment was prepared. The review, dated June 26, 2025, focused on the "aspired" judgment described above.[728]

It found "multiple procedural anomalies," including "a highly compressed production timeline, stringent compartmentation, and excessive involvement of agency heads."[729] It said the "aspired" judgment "did not merit the 'high confidence' level that CIA and FBI attached to it." It also said that the decision by agency heads to include material from the Steele Dossier, which the review called "unsubstantiated," "undermined the credibility of a key judgment."[730]

The same review also credited the assessment with "strong adherence to tradecraft standards" in other respects, and said the problems it found with the one judgment "should not be interpreted as indicative of broader systemic problems."[731] It notes that it "reflects a CIA perspective and was not coordinated within the Intelligence Community."[732] So here is what that means for this chapter: the 2025 review questioned how sure the agencies should have been about Putin's aim

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[726] Office of the Director of National Intelligence, "Assessing Russian Activities and Intentions in Recent US Elections," ICA 2017-01D, January 6, 2017 (declassified version; copy saved from the Senate Select Committee on Intelligence), Key Judgments. https://www.dni.gov/files/documents/ICA_2017_01.pdf (accessed November 12, 2026).

[727] Office of the Director of National Intelligence, "Assessing Russian Activities and Intentions in Recent US Elections," ICA 2017-01D, January 6, 2017 (declassified version; copy saved from the Senate Select Committee on Intelligence), Key Judgments. https://www.dni.gov/files/documents/ICA_2017_01.pdf (accessed November 12, 2026).

[728] Deputy Director of CIA for Analysis, memo to the Director of the Central Intelligence Agency, "Tradecraft Review of the 2016 Intelligence Community Assessment on Russian Election Interference," CIA-DA-CN-2025-20625, June 26, 2025, p. 1. https://www.cia.gov/static/Tradecraft-Review-2016-ICA-on-Election-Interference-062625.pdf (accessed November 12, 2026).

[729] Deputy Director of CIA for Analysis, memo to the Director of the Central Intelligence Agency, "Tradecraft Review of the 2016 Intelligence Community Assessment on Russian Election Interference," CIA-DA-CN-2025-20625, June 26, 2025, pp. 1-2. https://www.cia.gov/static/Tradecraft-Review-2016-ICA-on-Election-Interference-062625.pdf (accessed November 12, 2026).

[730] Deputy Director of CIA for Analysis, memo to the Director of the Central Intelligence Agency, "Tradecraft Review of the 2016 Intelligence Community Assessment on Russian Election Interference," CIA-DA-CN-2025-20625, June 26, 2025, pp. 4-6. https://www.cia.gov/static/Tradecraft-Review-2016-ICA-on-Election-Interference-062625.pdf (accessed November 12, 2026).

[731] Deputy Director of CIA for Analysis, memo to the Director of the Central Intelligence Agency, "Tradecraft Review of the 2016 Intelligence Community Assessment on Russian Election Interference," CIA-DA-CN-2025-20625, June 26, 2025, p. 5. https://www.cia.gov/static/Tradecraft-Review-2016-ICA-on-Election-Interference-062625.pdf (accessed November 12, 2026).

[732] Deputy Director of CIA for Analysis, memo to the Director of the Central Intelligence Agency, "Tradecraft Review of the 2016 Intelligence Community Assessment on Russian Election Interference," CIA-DA-CN-2025-20625, June 26, 2025, p. 1. https://www.cia.gov/static/Tradecraft-Review-2016-ICA-on-Election-Interference-062625.pdf (accessed November 12, 2026).

to help one candidate. The findings in this chapter about hacking, scanning of election systems and the absence of changed votes rest on the special counsel and the Senate committee, not on that one judgment.

[Not verified: news coverage describes July 2025 releases by the Office of the Director of National Intelligence (ODNI) that made broader claims about how the 2017 assessment was created; I could not open those releases on an official site, so I do not describe them.]

The Warnings That Did Not Reach the Right People

The Senate Intelligence Committee found a basic problem in how the federal government and the states talked to each other in 2016. It wrote that "State election officials, who have primacy in running elections, were not sufficiently warned or prepared to handle an attack from a hostile nation-state actor."[733] Federal warnings in late summer and fall 2016, it said, "did not provide enough information or go to the right people."[734]

The problem ran both ways. The committee said the Department of Homeland Security was "almost entirely reliant on states to self-report scanning activity."[735] In 2016, officials at every level also argued over whether to go public, because some feared that public warnings "might promote the very impression they were trying to dispel - that the voting systems were insecure."[736]

The committee contacted the 21 states that DHS first named as targets. It replaced their names with numbers because DHS and some states asked it to.[737] The state-by-state accounts show the gaps. Officials in two states said they did not know they were targets until they were told. In another, technical staff received a warning notice, but "that notification was not shared within the state government."[738] DHS told the committee there "wasn't a clear red state-blue state-purple state, more electoral votes, less electoral votes" pattern to which states were targeted.[739]

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[733] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 4. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[734] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 4. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[735] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 7. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[736] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 4. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[737] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, pp. 3, 14. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[738] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, pp. 19-20. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[739] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 20. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

What the Senate Committee Recommended

The committee's first recommendation was that "States should remain firmly in the lead on running elections, and the federal government should ensure they receive the necessary resources and information."[740] Its other main recommendations, in plain terms:

Tell foreign governments that an attack on election systems will be treated as a hostile act and answered.[741]

Build clear two-way channels between federal agencies and state and local officials, and declassify warnings where possible.[742]

Secure voter registration systems with steps such as two-factor log-ins, security audits, software updates and backups that include paper copies.[743]

Buy machines that have, at minimum, "a voter-verified paper trail," and remove or disable any wireless networking.[744]

Audit results. As of August 2018, the committee said, "five states conducted no post-election audit and 14 states do not do a complete post-election audit."[745]

The committee also noted that Congress appropriated $380 million (nominal dollars) in 2018 for states to improve cybersecurity and replace vulnerable voting machines.[746] Chapter 6 and Chapter 7 describe where paper records and audits stand today.

The 2016 Recounts

About three weeks after Election Day, Green Party candidate Jill Stein started efforts to get recounts in Pennsylvania, Michigan and Wisconsin, the three states Trump won by the smallest

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[740] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 54. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[741] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 54. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[742] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, pp. 55-56. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[743] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 57. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[744] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 59. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[745] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 59. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[746] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 4. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

margins.[747] She won 0.82 percent of the Pennsylvania vote, and the federal court there noted that she did not allege that a recount might change the result.[748]

Only Wisconsin finished a statewide recount. It took 10 days. Trump's total went from 1,404,440 in the original canvass to 1,405,284 in the recount, and his margin over Clinton grew from 22,617 to 22,748 votes, a net change of 131.[749] The commission's administrator, Michael Haas, said, "The biggest reason for these small differences between the unofficial results on Election Night, the counties original canvasses and the recount results is human error."[750] Dane County committed to counting every ballot by hand, and the commission's chair said voters "can have confidence that Wisconsin's election results accurately reflect the will of the people, regardless of whether they are counted by hand or by machine."[751]

Michigan's recount was stopped in court. A state appeals court ruled that Stein was not "an aggrieved party" under Michigan law, so she had no right to ask for one, and on December 9, 2016, the Michigan Supreme Court let that ruling stand.[752] The federal judge in that state, Mark Goldsmith, wrote that the challengers "have not presented evidence of tampering or mistake" and instead offered "speculative claims going to the vulnerability of the voting machinery."[753]

In Pennsylvania, federal Judge Paul Diamond turned down the request on December 12, 2016. He found "no credible evidence that any 'hack' occurred, and compelling evidence that Pennsylvania's voting system was not in any way compromised."[754]

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[747] U.S. District Court for the Eastern District of Pennsylvania, Stein v. Cortes, Civ. No. 16-6287, memorandum (Judge Paul S. Diamond), December 12, 2016, p. 2 (copy hosted by the Civil Rights Litigation Clearinghouse, University of Michigan). https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/158752.pdf (accessed November 12, 2026).

[748] U.S. District Court for the Eastern District of Pennsylvania, Stein v. Cortes, Civ. No. 16-6287, memorandum (Judge Paul S. Diamond), December 12, 2016, p. 3 (copy hosted by the Civil Rights Litigation Clearinghouse, University of Michigan). https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/158752.pdf (accessed November 12, 2026).

[749] Wisconsin Elections Commission, "Wisconsin Recount Completed Ahead of Schedule With Relatively Small Changes to Final Totals," news release, December 12, 2016. https://elections.wi.gov/sites/default/files/legacy/news/nr_presidential_recount_certification_12_12_16_pdf_14958.pdf (accessed November 12, 2026).

[750] Wisconsin Elections Commission, "Wisconsin Recount Completed Ahead of Schedule With Relatively Small Changes to Final Totals," news release, December 12, 2016. https://elections.wi.gov/sites/default/files/legacy/news/nr_presidential_recount_certification_12_12_16_pdf_14958.pdf (accessed November 12, 2026).

[751] Wisconsin Elections Commission, "Wisconsin Recount Completed Ahead of Schedule With Relatively Small Changes to Final Totals," news release, December 12, 2016. https://elections.wi.gov/sites/default/files/legacy/news/nr_presidential_recount_certification_12_12_16_pdf_14958.pdf (accessed November 12, 2026).

[752] U.S. District Court for the Eastern District of Pennsylvania, Stein v. Cortes, Civ. No. 16-6287, memorandum (Judge Paul S. Diamond), December 12, 2016, p. 10 (copy hosted by the Civil Rights Litigation Clearinghouse, University of Michigan). https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/158752.pdf (accessed November 12, 2026).

[753] U.S. District Court for the Eastern District of Pennsylvania, Stein v. Cortes, Civ. No. 16-6287, memorandum (Judge Paul S. Diamond), December 12, 2016, p. 10, quoting Stein v. Thomas (E.D. Mich. December 7, 2016) (copy hosted by the Civil Rights Litigation Clearinghouse, University of Michigan). https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/158752.pdf (accessed November 12, 2026).

[754] U.S. District Court for the Eastern District of Pennsylvania, Stein v. Cortes, Civ. No. 16-6287, memorandum (Judge Paul S. Diamond), December 12, 2016, p. 1 (copy hosted by the Civil Rights Litigation Clearinghouse, University of Michigan). https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/158752.pdf (accessed November 12, 2026).

Claims From the Left That the 2016 Count Was Hacked

After 2016, the main legal challenge to the count came from the left, in Jill Stein's recount suits. Their claim was that, as the Pennsylvania court summed it up, voting machines "might have been 'hacked'" and so a recount had to be ordered.[755]

How did that claim hold up under oath? The recount side's own expert, computer scientist J. Alex Halderman, admitted in court that he had "no evidence" any voting machine was hacked and that the outcome was "probably not" the result of a hack.[756] The court credited the state's expert, who explained that reports of foreign hacking concerned "email servers and the like" and had nothing to do with Pennsylvania's voting machines.[757]

The later record pointed the same way. The 2017 assessment said DHS judged that the systems Russian actors targeted or compromised "are not involved in vote tallying."[758] The Senate committee "found no evidence of Russian actors attempting to manipulate vote tallies on Election Day," while adding that its insight "is limited."[759] I hold this claim to the same standard I use for 2020 in Chapter 19: a recount, a court finding and a bipartisan investigation all tested it, and none found votes changed by hacking. Chapter 21 gives the verdict.

What Changed Afterward

In January 2017, the Department of Homeland Security designated election systems as critical infrastructure, which led to the federal security help described in Chapter 5.[760]

What to Take From This Chapter

- Clinton won the popular vote; Trump won the Electoral College 304 to 227.
- Russia ran an influence campaign and probed election systems in many states, and breached voter registration systems in two.
- The bipartisan Senate investigation found no evidence that any votes were changed or machines manipulated.

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[755] U.S. District Court for the Eastern District of Pennsylvania, Stein v. Cortes, Civ. No. 16-6287, memorandum (Judge Paul S. Diamond), December 12, 2016, p. 1 (copy hosted by the Civil Rights Litigation Clearinghouse, University of Michigan). https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/158752.pdf (accessed November 12, 2026).

[756] U.S. District Court for the Eastern District of Pennsylvania, Stein v. Cortes, Civ. No. 16-6287, memorandum (Judge Paul S. Diamond), December 12, 2016, p. 28 (copy hosted by the Civil Rights Litigation Clearinghouse, University of Michigan). https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/158752.pdf (accessed November 12, 2026).

[757] U.S. District Court for the Eastern District of Pennsylvania, Stein v. Cortes, Civ. No. 16-6287, memorandum (Judge Paul S. Diamond), December 12, 2016, p. 28 (copy hosted by the Civil Rights Litigation Clearinghouse, University of Michigan). https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/158752.pdf (accessed November 12, 2026).

[758] Office of the Director of National Intelligence, "Assessing Russian Activities and Intentions in Recent US Elections," ICA 2017-01D, January 6, 2017 (declassified version; copy saved from the Senate Select Committee on Intelligence), Key Judgments. https://www.dni.gov/files/documents/ICA_2017_01.pdf (accessed November 12, 2026).

[759] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019, p. 10. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[760] U.S. Department of Homeland Security, "Statement by Secretary Jeh Johnson on the Designation of Election Infrastructure as a Critical Infrastructure Subsector," January 6, 2017. https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical (accessed November 12, 2026).

- The special counsel did not establish a conspiracy between the Trump campaign and the Russian government.

Chapter 19: 2020: Lawsuits, Audits and January 6

The Results

Joe Biden won 81,283,501 votes (51.31 percent) to Donald Trump's 74,223,975 (46.85 percent).[761] Biden won the Electoral College 306 to 232.[762] The election was held during the COVID-19 pandemic, and 43.1 percent of ballots were cast by mail, the highest share on record at that point.[763]

What Election Officials Said

On November 12, 2020, the federal and state officials and industry groups that coordinate election security issued a joint statement through CISA. It said, "The November 3rd election was the most secure in American history," and "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."[764] Five days later, President Trump fired CISA's director, Christopher Krebs, saying the agency's statement on election security was "highly inaccurate."[765]

On December 1, 2020, Attorney General William Barr told the Associated Press: "To date, we have not seen fraud on a scale that could have affected a different outcome in the election."[766]

The November 12 joint statement was not from one agency alone. Its signers included CISA, the chair of the U.S. Election Assistance Commission, the presidents of the national associations of secretaries of state and state election directors, a county elections supervisor and several voting equipment companies.[767] It also made a point that can be checked: "All of the states with close

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[761] Federal Election Commission, "Federal Elections 2020," October 2022. https://www.fec.gov/resources/cms-content/documents/federalelections2020.pdf (accessed November 12, 2026).

[762] Federal Election Commission, "Federal Elections 2020," October 2022. https://www.fec.gov/resources/cms-content/documents/federalelections2020.pdf (accessed November 12, 2026). National Archives, Office of the Federal Register, "2020 Electoral College Results" (last reviewed April 16, 2021). https://www.archives.gov/electoral-college/2020 (accessed November 12, 2026).

[763] U.S. Election Assistance Commission, "Election Administration and Voting Survey 2020 Comprehensive Report," August 2021. https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf (accessed November 12, 2026).

[764] Cybersecurity and Infrastructure Security Agency, "Joint Statement from Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees," November 12, 2020. https://www.cisa.gov/news-events/news/joint-statement-elections-infrastructure-government-coordinating-council-election (accessed November 12, 2026).

[765] NPR, report on President Trump firing CISA Director Christopher Krebs, November 17, 2020. https://www.npr.org/2020/11/17/936003057/cisa-director-chris-krebs-fired-after-trying-to-correct-voter-fraud-disinformati (accessed November 12, 2026).

[766] Associated Press interview with Attorney General William Barr, December 1, 2020, as reported by NPR. https://www.npr.org/2020/12/01/940828358/barr-says-justice-department-hasnt-found-widespread-voter-fraud (accessed November 12, 2026).

[767] Cybersecurity and Infrastructure Security Agency, "Joint Statement from Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees," November 12, 2020. https://www.cisa.gov/news-events/news/joint-statement-elections-infrastructure-government-coordinating-council-election (accessed November 12, 2026).

results in the 2020 presidential race have paper records of each vote, allowing the ability to go back and count each ballot if necessary."[768]

Krebs was a Trump appointee. According to the Associated Press, hours before he was fired he shared a report in which 59 election security experts said there was no credible evidence of computer fraud in the 2020 outcome. After his firing he wrote, "Honored to serve. We did it right."[769] Republican Senator Ben Sasse of Nebraska said Krebs "did a really good job, as state election officials all across the nation will tell you, and he obviously should not be fired."[770]

Barr also spoke directly to the machine claims. "There's been one assertion that would be systemic fraud and that would be the claim that machines were programmed essentially to skew the election results," he said, adding that DHS and the Justice Department "have looked into that, and so far, we haven't seen anything to substantiate that."[771] The Trump campaign answered in a statement from Rudy Giuliani, saying "with all due respect to the Attorney General, there hasn't been any semblance" of an investigation, and claiming "ample evidence of illegal voting in at least six states."[772] Barr's view was that complaints like these belonged in civil lawsuits or in audits run by state or local officials, not in federal criminal cases.[773] The rest of this chapter looks at what happened when the claims went to those places.

The Lawsuits

According to the House January 6 committee's final report, the Trump campaign and its allies "filed 62 separate lawsuits between November 4, 2020, and January 6, 2021." "Out of 62 cases, only one case resulted in a victory," and "Thirty of the cases were dismissed by a judge after a hearing on the merits."[774]

One appeals ruling captures how many of these cases ended. In Pennsylvania, the federal appeals court for the Third Circuit refused to let the campaign amend its complaint or block

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[768] Cybersecurity and Infrastructure Security Agency, "Joint Statement from Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees," November 12, 2020. https://www.cisa.gov/news-events/news/joint-statement-elections-infrastructure-government-coordinating-council-election (accessed November 12, 2026).

[769] Ben Fox, Associated Press, "Trump fires agency head who vouched for 2020 vote security," via KSAT, November 17, 2020. https://www.ksat.com/news/politics/2020/11/18/trump-fires-agency-head-who-vouched-for-2020-vote-security/ (accessed November 12, 2026).

[770] Ben Fox, Associated Press, "Trump fires agency head who vouched for 2020 vote security," via KSAT, November 17, 2020. https://www.ksat.com/news/politics/2020/11/18/trump-fires-agency-head-who-vouched-for-2020-vote-security/ (accessed November 12, 2026).

[771] Michael Balsamo, Associated Press, "Disputing Trump, Barr Says No Widespread Election Fraud," via Cheddar, December 1, 2020. https://cheddar.com/media/barr-no-evidence-fraud-change-election-outcome (accessed November 12, 2026).

[772] Michael Balsamo, Associated Press, "Disputing Trump, Barr Says No Widespread Election Fraud," via Cheddar, December 1, 2020. https://cheddar.com/media/barr-no-evidence-fraud-change-election-outcome (accessed November 12, 2026).

[773] Michael Balsamo, Associated Press, "Disputing Trump, Barr Says No Widespread Election Fraud," via Cheddar, December 1, 2020. https://cheddar.com/media/barr-no-evidence-fraud-change-election-outcome (accessed November 12, 2026).

[774] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

certification. Judge Stephanos Bibas wrote: "Calling an election unfair does not make it so." The court noted that the campaign's own lawyer had told the lower court, "this is not a fraud case."[775]

Texas v. Pennsylvania

The boldest suit went straight to the Supreme Court. The Constitution gives the Supreme Court "original Jurisdiction," meaning a case can start there, in cases "in which a State shall be Party."[776] Texas used that route to ask permission to sue Pennsylvania and other states over how they ran their elections.

On December 11, 2020, the Court said no. Its order read: "Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections." Justice Samuel Alito, joined by Justice Clarence Thomas, wrote that he would have let Texas file its complaint "but would not grant other relief, and I express no view on any other issue."[777] In other words, no justice voted to give Texas what it was asking for.

The Audits and Recounts

Several states checked their results in ways that went beyond a normal canvass:

- **Georgia** hand-counted every paper ballot in the presidential race. The Secretary of State announced on November 19, 2020, that the hand tally "upheld and reaffirmed the original outcome."[778]
- **Wisconsin's** nonpartisan Legislative Audit Bureau reviewed the election in 2021. It hand-counted 145,100 ballots and found the voting equipment "for the most part accurately counted ballots," with 59 of 60 tests matching exactly.[779] It identified a small number of possibly ineligible votes, such as 11 by voters who had died, and recommended changes in procedures; it did not report fraud that would affect the outcome.[780]
- **Arizona's** Republican-led state Senate hired a private firm, Cyber Ninjas, to review Maricopa County's 2020 ballots. The Associated Press, reporting on a draft of the firm's report in September 2021, wrote that "the tally in the draft document showed a net gain

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[775] U.S. Court of Appeals for the Third Circuit, Donald J. Trump for President, Inc. v. Secretary, Commonwealth of Pennsylvania, No. 20-3371 (not precedential), November 27, 2020. https://www2.ca3.uscourts.gov/opinarch/203371np.pdf (accessed November 12, 2026).

[776] National Archives, "The Constitution of the United States: A Transcription," Article III, Section 2. https://www.archives.gov/founding-docs/constitution-transcript (accessed November 12, 2026).

[777] Supreme Court of the United States, Order in Pending Case, Texas v. Pennsylvania, No. 155, Orig., December 11, 2020 (Order List 592 U.S.). https://www.supremecourt.gov/orders/courtorders/121120zr_p860.pdf (accessed November 12, 2026).

[778] Georgia Secretary of State, "Historic First Statewide Audit of Paper Ballots Upholds Result of Presidential Race," November 19, 2020. https://sos.ga.gov/news/historic-first-statewide-audit-paper-ballots-upholds-result-presidential-race (accessed November 12, 2026).

[779] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[780] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

of 360 votes for Biden over the official results."[781] Maricopa County officials publicly disputed the review's other claims. Maricopa County's written answer to the review is described at the end of this section.

The Wisconsin Legislative Audit Bureau's work went well beyond the hand count. It surveyed all 1,835 municipal clerks and 72 county clerks, physically reviewed 14,710 absentee ballot envelopes, called certificates, in 29 municipalities, and reviewed all 45 sworn complaints filed with the state about the election by late May 2021. It made 30 recommendations and listed 18 issues for the Legislature to consider.[782]

Its envelope review found paperwork problems. Of the 14,710 certificates, 1,022 (6.9 percent) had partial witness addresses, 15 had no witness address at all, eight had no witness signature and three had no voter signature.[783] The bureau was also open about its limits. The City of Madison clerk did not let it handle election records, and it was told it could not handle ballots for Milwaukee County or the Town of Little Suamico. Together those places cast 623,700 of the 3.3 million ballots, or 18.9 percent.[784]

More is known about the Arizona review. The draft hand count covered all 2.1 million Maricopa County ballots. The state Senate agreed to spend $150,000 plus security and facility costs, while Trump allies had given nearly $5.7 million as of late July 2021 (both in nominal dollars).[785] The Republican chairman of the county Board of Supervisors, Jack Sellers, said the draft count meant "the tabulation equipment counted the ballots as they were designed to do, and the results reflect the will of the voters."[786]

On January 5, 2022, Maricopa County's elections department released its point-by-point answer to the Senate's contractors. It classified their claims this way: "22 were misleading," "41 were inaccurate," and "13 were false," the last group being claims that "can be proven false using materials provided to the Senate." Board Vice Chairman Clint Hickman put it this way: "If one of your preferred candidates or causes lost in 2020, that's not proof of fraud; that's proof of democracy working."[787] I read the county's announcement, not its full 2022 report.

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[781] Jonathan J. Cooper and Bob Christie, Associated Press report on the draft Cyber Ninjas review of Maricopa County ballots, September 24, 2021 (copy from WJLA). https://wjla.com/news/beyond-the-podium/vote-review-by-gop-in-arizona-finds-that-biden-won-2020-election-by-wider-margin-joe-donald-trump (accessed November 12, 2026).

[782] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021, letter of transmittal. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[783] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021, pp. 42-43. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[784] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021, p. 6. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[785] Jonathan J. Cooper and Bob Christie, Associated Press, "Draft of Arizona GOP's vote review finds wider Biden win," via WJLA, September 24, 2021. https://wjla.com/news/beyond-the-podium/vote-review-by-gop-in-arizona-finds-that-biden-won-2020-election-by-wider-margin-joe-donald-trump (accessed November 12, 2026).

[786] Jonathan J. Cooper and Bob Christie, Associated Press, "Draft of Arizona GOP's vote review finds wider Biden win," via WJLA, September 24, 2021. https://wjla.com/news/beyond-the-podium/vote-review-by-gop-in-arizona-finds-that-biden-won-2020-election-by-wider-margin-joe-donald-trump (accessed November 12, 2026).

[787] Maricopa County Office of Communications, "Correcting the Record: Maricopa County Releases Detailed Report on Senate Inquiry," January 5, 2022. https://www.maricopa.gov/CivicAlerts.aspx?AID=2424 (accessed November 12, 2026).

Michigan's check came from a Republican-led state Senate Oversight Committee, which issued a report in June 2021. As quoted by PolitiFact, the report said: "The Committee found no evidence of widespread or systemic fraud in Michigan's prosecution of the 2020 election." It also said, "Citizens should be confident the results represent the true results of the ballots cast by the people of Michigan," and it urged the state attorney general to look into people "utilizing misleading and false information about Antrim County to raise money or publicity for their own ends."[788] [Not verified: I could not open the committee's report on an official Michigan Senate site, so these lines come from the fact-checker's quotations.]

The Voting Machine Claims

Claims that voting machines switched votes were widely spread after the election. The joint security statement found no evidence of it.[789] Dominion Voting Systems sued Fox News for defamation over its broadcasts of these claims. In April 2023, Fox settled for $787.5 million.[790]

What did the Dominion case actually settle? Dominion had asked for $1.6 billion. Before the settlement, Judge Eric Davis of the Delaware Superior Court allowed the case to go to trial while stressing it was "CRYSTAL clear" that none of the allegations about Dominion aired on Fox by Trump allies were true.[791]

Fox's side should be heard in its own words. Its lawyer, Erin Murphy, said, "We never reported those to be true. All we ever did was provide viewers the true fact that these were allegations that were being made."[792] After settling, Fox said it acknowledged "the court's rulings finding certain claims about Dominion to be false."[793] A settlement is not a jury verdict. The record on the machines themselves comes from the hand counts and audits described earlier in this chapter.

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[788] Clara Hendrickson and Dave Boucher, "Michigan Republican-led investigation rejects Trump's claim that Nov. 3 election was stolen," PolitiFact, June 23, 2021. https://www.politifact.com/article/2021/jun/23/michigan-republican-led-investigation-rejects-trum/ (accessed November 12, 2026).

[789] Cybersecurity and Infrastructure Security Agency, "Joint Statement from Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees," November 12, 2020. https://www.cisa.gov/news-events/news/joint-statement-elections-infrastructure-government-coordinating-council-election (accessed November 12, 2026).

[790] Associated Press, report on the Dominion Voting Systems settlement with Fox News, via Fortune, April 18, 2023. https://fortune.com/2023/04/18/fox-news-dominion-settlement-787-million/ (accessed November 12, 2026).

[791] David Bauder, Randall Chase and Geoff Mulvihill, Associated Press, "Fox News pays Dominion Voting Systems $787.5 million to settle defamation suit over election lies with trial imminent," via Fortune, April 18, 2023. https://fortune.com/2023/04/18/fox-news-settles-dominion-voting-systems-defamation-lawsuit-jury-seated/ (accessed November 12, 2026).

[792] David Bauder, Randall Chase and Geoff Mulvihill, Associated Press, "Fox News pays Dominion Voting Systems $787.5 million to settle defamation suit over election lies with trial imminent," via Fortune, April 18, 2023. https://fortune.com/2023/04/18/fox-news-settles-dominion-voting-systems-defamation-lawsuit-jury-seated/ (accessed November 12, 2026).

[793] David Bauder, Randall Chase and Geoff Mulvihill, Associated Press, "Fox News pays Dominion Voting Systems $787.5 million to settle defamation suit over election lies with trial imminent," via Fortune, April 18, 2023. https://fortune.com/2023/04/18/fox-news-settles-dominion-voting-systems-defamation-lawsuit-jury-seated/ (accessed November 12, 2026).

January 6, 2021

On January 6, 2021, a crowd attacked the U.S. Capitol while Congress was counting electoral votes, and the count was interrupted. Congress resumed that night. Objections were filed to Arizona's and Pennsylvania's electoral votes; neither chamber sustained them, and the count was completed at 3:44 a.m. on January 7, 2021.[794]

The House select committee that investigated the attack issued its final report in December 2022. Its first finding was that President Trump "purposely disseminated false allegations of fraud related to the 2020 Presidential election in order to aid his effort to overturn the election and for purposes of soliciting contributions."[795] Its findings also addressed pressure on Vice President Pence, the Justice Department and state officials, and "false electoral certificates" sent by unofficial slates of electors.[796] These are the findings of a House committee, not court verdicts.

The Georgia Phone Call

The committee's report gives the January 2, 2021, call with Georgia Secretary of State Brad Raffensperger a full chapter. It says President Trump pressed Raffensperger "for more than an hour," raising fraud theories that Georgia officials knocked down one by one, and that by then Georgia had already hand-counted every ballot.[797] The report quotes the president: "So look. All I want to do is this. I just want to find 11,780 votes, which is one more than we have." It also quotes him warning Raffensperger, "That's a big risk to you and to Ryan, your lawyer."[798]

Pressure on State Legislators

The report describes calls and meetings with Republican legislative leaders. In Arizona, House Speaker Rusty Bowers said he asked for proof of fraud and never got it, and the report quotes Giuliani telling him, "we've got lots of theories, we just don't have the evidence." Bowers answered, "You are asking me do something against my oath, and I will not break my oath."[799]

In Michigan, the president hosted Senate Majority Leader Mike Shirkey and House Speaker Lee Chatfield at the White House on November 20, 2020. Afterward the two Republicans said, "We

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[794] National Archives, Office of the Federal Register, "2020 Electoral College Results" (last reviewed April 16, 2021). https://www.archives.gov/electoral-college/2020 (accessed November 12, 2026).

[795] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[796] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[797] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022, Chapter 2, p. 263. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[798] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022, Chapter 2, p. 263. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[799] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022, Executive Summary, p. 45. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

have not yet been made aware of any information that would change the outcome of the election in Michigan."[800] The committee concluded that none of these efforts "ultimately succeeded in changing the official results in any State."[801]

The False Electoral Certificates

On December 14, 2020, while the certified electors met in each state, Republicans in seven states Biden won signed certificates claiming to cast those states' votes for Trump. The committee called these "false Trump electoral slates."[802] The report quotes the Trump campaign's own general counsel, Matthew Morgan, saying that without a state's official certificate the electors were "no good or not - not valid."[803]

Some of the signers told a different story about what they meant. One said "this is the only reason why we're doing this, is to preserve the integrity of being able to have a challenge." The chairman of the Wisconsin group said he "was told that these would only count if a court ruled in our favor."[804] Vice President Pence and the Senate parliamentarian did not count any of these certificates.[805]

The Republican Critique of the Committee

The committee's findings have official critics too. In December 2024, the House Administration Committee's Subcommittee on Oversight, led by Republican Barry Loudermilk, issued an interim report. It argued that the select committee was flawed from the start because Speaker Nancy Pelosi rejected the minority leader's nominations, after which Minority Leader Kevin McCarthy withdrew all five of the Republicans he had proposed.[806] The subcommittee also said it found "missing and deleted documents" and "hidden evidence," and it disputed parts of the

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[800] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022, Executive Summary, p. 46. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[801] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022, Executive Summary, p. 46. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[802] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022, Executive Summary, p. 41. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[803] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022, Executive Summary, p. 41. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[804] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022, Executive Summary, p. 42. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[805] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022, Executive Summary, p. 42. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[806] Subcommittee on Oversight, Committee on House Administration, U.S. House of Representatives (Chairman Barry Loudermilk), "Interim Report," December 17, 2024, pp. 9-10. https://january6-judiciary.house.gov/sites/evo-subsites/january6-republicans-judiciary.house.gov/files/evo-media-document/final-interim-report.pdf (accessed November 12, 2026).

testimony of former White House aide Cassidy Hutchinson.[807] Its main focus was security at the Capitol, which it blamed on "a series of intelligence, security, and leadership failures at several levels and numerous entities."[808]

You might ask which committee to believe. Here is how I handle it. Both are reports by House committees, not court rulings. The quotes from the Georgia call and the false certificates are documents and sworn testimony that readers can check for themselves. The fights over the committee's makeup and records are real, but they do not change what those documents say.

The Criminal Cases and the Pardons

A federal grand jury indicted Trump in 2023 on charges related to efforts to overturn the 2020 result. After Trump won the 2024 election, the special counsel asked the court to dismiss the case "without prejudice" because of the Justice Department's long-standing policy against prosecuting a sitting president. The motion stressed that this "does not turn on the gravity of the crimes charged, the strength of the Government's proof, or the merits." Judge Tanya Chutkan granted the dismissal on November 25, 2024.[809]

In November 2025, President Trump pardoned Rudy Giuliani, Mark Meadows, John Eastman, Kenneth Chesebro and dozens of people who had served as unofficial electors. The pardons were largely preemptive, covered federal crimes only, and did not reach state cases in places such as Arizona and Georgia.[810]

The State Criminal Cases

Several states brought their own criminal cases over the 2020 electors and related efforts. As of November 12, 2026, four of the five cases below had been dismissed, and one was awaiting trial.

State criminal cases tied to the 2020 election (as of November 12, 2026)

State	Who was charged	What happened	Date
Georgia	Trump and "more than a dozen" allies	Judge dismissed the case "in its entirety" at the prosecutor's request	November 26, 2025
Michigan	16 false electors (one later cooperated)	Judge dismissed charges against the other 15 for lack of	September 9, 2025

[807] Subcommittee on Oversight, Committee on House Administration, U.S. House of Representatives (Chairman Barry Loudermilk), "Interim Report," December 17, 2024, pp. 1, 3. https://january6-judiciary.house.gov/sites/evo-subsites/january6-republicans-judiciary.house.gov/files/evo-media-document/final-interim-report.pdf (accessed November 12, 2026).

[808] Subcommittee on Oversight, Committee on House Administration, U.S. House of Representatives (Chairman Barry Loudermilk), "Interim Report," December 17, 2024, p. 1. https://january6-judiciary.house.gov/sites/evo-subsites/january6-republicans-judiciary.house.gov/files/evo-media-document/final-interim-report.pdf (accessed November 12, 2026).

[809] United States v. Trump, No. 1:23-cr-00257-TSC (D.D.C.), Memorandum Opinion and Order granting dismissal without prejudice (Judge Tanya S. Chutkan), ECF Nos. 282-283, November 25, 2024. https://www.courtlistener.com/docket/67656604/united-states-v-trump/ (accessed November 12, 2026).

[810] Ali Harb, "Trump pardons Giuliani, others accused of trying to overturn 2020 defeat," Al Jazeera, November 10, 2025. https://www.aljazeera.com/news/2025/11/10/trump-pardons-giuliani-others-accused-of-trying-to-overturn-2020-defeat (accessed November 12, 2026).

		evidence of intent	
Arizona	18 people	Attorney general dismissed after courts sent the case back to a grand jury; she said she would seek a new indictment	June 18, 2026
Nevada	Six Republican electors	Judge dismissed; attorney general planned to appeal	August 13, 2026
Wisconsin	Jim Troupis, Kenneth Chesebro and Mike Roman	Pleaded not guilty to 11 forgery-related felony charges each; awaiting trial	June 2026

Sources: Georgia[811]; Michigan[812]; Arizona[813]; Nevada[814]; Wisconsin[815]

In Georgia, the prosecutor who asked for the dismissal, Pete Skandalakis, argued that the conduct was "conceived in Washington, D.C., not the State of Georgia," and that "The federal government is the appropriate venue for this prosecution." Four defendants had earlier taken plea deals, and those stand.[816]

The Michigan and Nevada judges both turned on intent. Michigan District Judge Kristen Simmons said, "This is a fraud case, and we have to prove intent," and "I don't believe there's evidence sufficient to prove intent."[817] In Nevada, Judge Mary Kay Holthus wrote that the defendants "openly announced both their actions and their asserted purpose," which weighed

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[811] Sam Gringlas, NPR, "The Georgia election interference case against Trump and others has been dropped," via Georgia Public Broadcasting, November 26, 2025. https://www.gpb.org/news/2025/11/26/the-georgia-election-interference-case-against-trump-and-others-has-been-dropped (accessed November 12, 2026).

[812] Benjamin Swasey, NPR, "Michigan judge dismisses charges against 15 pro-Trump 'fake electors'," via Michigan Public, September 9, 2025. https://www.michiganpublic.org/2025-09-09/michigan-judge-dismisses-charges-against-15-pro-trump-fake-electors (accessed November 12, 2026).

[813] Jacques Billeaud, Associated Press, "Arizona prosecutors dismissing fake elector case but vow to seek new indictment," via PBS News, June 18, 2026. https://www.pbs.org/newshour/politics/arizona-prosecutors-dismissing-fake-elector-case-but-vow-to-seek-new-indictment (accessed November 12, 2026).

[814] Associated Press, "Judge drops Nevada case against electors accused of forging certificate in 2020 election," via WUSF, August 14, 2026. https://www.wusf.org/2026-08-14/judge-drops-nevada-case-against-electors-accused-of-forging-certificate-in-2020-election (accessed November 12, 2026).

[815] Alexander Shur and Zoey Elwood, "Alleged Wisconsin fake elector accomplices plead not guilty as Trump seeks to rewrite 2020 election," Wisconsin Watch and Votebeat, June 15, 2026 (updated June 16, 2026). https://wisconsinwatch.org/2026/06/wisconsin-fake-elector-accomplices-arraigned-trump-2020-election-troupis-chesebro-roman/ (accessed November 12, 2026).

[816] Sam Gringlas, NPR, "The Georgia election interference case against Trump and others has been dropped," via Georgia Public Broadcasting, November 26, 2025. https://www.gpb.org/news/2025/11/26/the-georgia-election-interference-case-against-trump-and-others-has-been-dropped (accessed November 12, 2026).

[817] Benjamin Swasey, NPR, "Michigan judge dismisses charges against 15 pro-Trump 'fake electors'," via Michigan Public, September 9, 2025. https://www.michiganpublic.org/2025-09-09/michigan-judge-dismisses-charges-against-15-pro-trump-fake-electors (accessed November 12, 2026).

against a finding that they meant to defraud, and she found the state had not shown the grand jury evidence that favored the defense.[818] In Arizona, three of the 18 defendants had resolved their cases before the dismissal, one by pleading guilty to a misdemeanor.[819]

A dismissal is not the same as an acquittal, and it is not a finding that the 2020 election was stolen. These cases were about whether crimes could be proven, not about recounting votes.

What to Take From This Chapter

- Biden won the popular vote by about 7 million and the Electoral College 306 to 232.
- Federal election security officials and the Attorney General said they found no fraud that could change the outcome.
- Of 62 lawsuits filed by the Trump campaign and allies, one succeeded, on a narrow point that did not change the result.
- Hand counts and audits in Georgia, Wisconsin and Arizona confirmed the results.
- The House January 6 committee found that the president spread false fraud claims; the federal criminal case was dismissed after the 2024 election, and many participants were pardoned in 2025.

[818] Associated Press, "Judge drops Nevada case against electors accused of forging certificate in 2020 election," via WUSF, August 14, 2026. https://www.wusf.org/2026-08-14/judge-drops-nevada-case-against-electors-accused-of-forging-certificate-in-2020-election (accessed November 12, 2026).

[819] Jacques Billeaud, Associated Press, "Arizona prosecutors dismissing fake elector case but vow to seek new indictment," via PBS News, June 18, 2026. https://www.pbs.org/newshour/politics/arizona-prosecutors-dismissing-fake-elector-case-but-vow-to-seek-new-indictment (accessed November 12, 2026).

Chapter 20: 2024 and the 2026 Midterms

The information in this chapter is current as of November 12, 2026.

The 2024 Results

Donald Trump won 77,302,580 votes (49.80 percent) to Kamala Harris's 75,017,613 (48.32 percent).[820] Trump won the Electoral College 312 to 226.[821] Maine and Nebraska both split their electoral votes: Maine gave three to Harris and one to Trump, and Nebraska gave four to Trump and one to Harris.[822]

Congress met in joint session and counted the electoral votes on January 6, 2025.[823]

Security and Interference

On November 6, 2024, CISA Director Jen Easterly said, "we have no evidence of any malicious activity that had a material impact on the security or integrity of our election infrastructure."[824]

Foreign interference attempts continued. A review by the Alliance for Securing Democracy at the German Marshall Fund, a nonpartisan research group, summarized them: an Iranian hack-and-leak operation against a campaign, which led to the indictment of three members of Iran's Revolutionary Guard; a Russian influence operation known as "Doppelganger," in which the Justice Department seized 32 internet domains; fake videos that U.S. officials attributed to Russia; and hoax bomb threats in at least seven states on Election Day.[825] The same review concluded the election "remained secure and ran smoothly."[826] The agencies' own statements from that week are quoted below.

The agencies' own words are on the record too. On November 4, 2024, ODNI, the FBI and CISA said foreign adversaries, particularly Russia, were stepping up influence operations aimed at

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[820] Federal Election Commission, "Official 2024 Presidential General Election Results," January 16, 2025. https://www.fec.gov/documents/5644/2024presgeresults.pdf (accessed November 12, 2026).

[821] National Archives, Office of the Federal Register, "2024 Electoral College Results" (last reviewed January 13, 2025). https://www.archives.gov/electoral-college/2024 (accessed November 12, 2026). Federal Election Commission, "Official 2024 Presidential General Election Results," January 16, 2025. https://www.fec.gov/documents/5644/2024presgeresults.pdf (accessed November 12, 2026).

[822] National Archives, Office of the Federal Register, "2024 Electoral College Results" (last reviewed January 13, 2025). https://www.archives.gov/electoral-college/2024 (accessed November 12, 2026).

[823] National Archives, Office of the Federal Register, "2024 Electoral College Results" (last reviewed January 13, 2025). https://www.archives.gov/electoral-college/2024 (accessed November 12, 2026).

[824] Cybersecurity and Infrastructure Security Agency, "Statement from CISA Director Easterly on the Security of the 2024 Elections," November 6, 2024. https://content.govdelivery.com/accounts/USDHSCISA/bulletins/3c060cb (accessed November 12, 2026).

[825] Krystyna Sikora, "Interference Interrupted," Alliance for Securing Democracy, German Marshall Fund, November 21, 2024. https://securingdemocracy.gmfus.org/ (accessed November 12, 2026).

[826] Krystyna Sikora, "Interference Interrupted," Alliance for Securing Democracy, German Marshall Fund, November 21, 2024. https://securingdemocracy.gmfus.org/ (accessed November 12, 2026).

confidence in the election, and stated plainly: "Russia is the most active threat."[827] The agencies tied Russian actors to a made-up video about overseas ballots and voter rolls in Arizona, and noted that "The Arizona Secretary of State has already refuted the video's claim as false." They added: "Iran also remains a significant foreign influence threat to U.S. elections."[828]

On Election Day, the FBI said, "The FBI is aware of bomb threats to polling locations in several states, many of which appear to originate from Russian email domains. None of the threats have been determined to be credible thus far."[829] Notice the careful wording, "appear to originate." That is a statement about where emails came from, not a finding about who sent them.

The Claims After 2024

After 2024, some false claims came from Trump's opponents. One said Elon Musk's Starlink satellite network was used to rig the 2024 election for Trump. PolitiFact rated it "Pants on Fire," finding that vote tabulators in swing states are not connected to the internet and that the only Starlink use it found was for electronic poll books in one California county.[830] Part Seven rates this and other claims.

Separately, in October 2026, federal prosecutors charged 10 noncitizens in eastern North Carolina with voting illegally, mostly in the 2024 election. These are charges, not convictions, and prosecutors did not say any result changed.[831]

The 2026 Midterm Elections

The 2026 midterm elections were held on November 3, 2026, the date set by federal law: the Tuesday after the first Monday in November.[832] As of November 12, 2026, counting and certification were still under way in many states. [Not verified] I did not find a single official source tracking certification in every state, so I do not report midterm results here, and I label the outcome of those races Unknown.

The months before the midterms brought an unusual number of lawsuits over federal actions. A litigation tracker kept by Just Security, a nonpartisan law and policy journal based at New York

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[827] Office of the Director of National Intelligence, Federal Bureau of Investigation and Cybersecurity and Infrastructure Security Agency, "Joint ODNI, FBI, and CISA Statement," November 4, 2024 (CISA bulletin). https://content.govdelivery.com/accounts/USDHSCISA/bulletins/3c012e3 (accessed November 12, 2026).

[828] Office of the Director of National Intelligence, Federal Bureau of Investigation and Cybersecurity and Infrastructure Security Agency, "Joint ODNI, FBI, and CISA Statement," November 4, 2024 (CISA bulletin). https://content.govdelivery.com/accounts/USDHSCISA/bulletins/3c012e3 (accessed November 12, 2026).

[829] David DiMolfetta, "Russian email domains sent uncredible bomb threats to polling places, FBI says," Nextgov/FCW, November 5, 2024 (quoting an FBI statement). https://www.nextgov.com/cybersecurity/2024/11/russian-email-domains-sent-uncredible-bomb-threats-polling-places-fbi-says/400838/ (accessed November 12, 2026).

[830] PolitiFact, "No, Elon Musk's Starlink wasn't used to rig the 2024 presidential election for Donald Trump," November 12, 2024. https://www.politifact.com/factchecks/2024/nov/12/threads-posts/no-elon-musks-starlink-wasnt-used-to-rig-the-2024/ (accessed November 12, 2026).

[831] U.S. Attorney's Office, Eastern District of North Carolina, "EDNC Unveils Ten Federal Indictments Alleging Noncitizens Voted in the 2024 Election," October 15, 2026. https://www.justice.gov/usao-ednc/pr/ednc-unveils-ten-federal-indictments-alleging-noncitizens-voted-2024-election (accessed November 12, 2026).

[832] 2 U.S. Code Section 7, "Time of election" (date of congressional elections), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/2/7 (accessed November 12, 2026).

University School of Law, listed more than a dozen active cases around Election Day.[833] Among them:

- **Federal demands and suits over voter lists.** The Justice Department sued California and Alaska over their voter lists in October 2026. A court dismissed the Alaska suit on November 1, and the government appealed. In California, the court denied the government's request for a temporary restraining order, and the Supreme Court denied an emergency request on November 2.[834]
- **Sharing citizenship data.** On November 2, a federal judge in Washington, D.C., blocked the Department of Homeland Security from sharing lists of suspected noncitizen voters with states, while allowing citizenship checks through the federal SAVE database to continue.[835]
- **Federal election monitors.** A federal judge declined to block Justice Department election monitors, but ordered the government to keep its promises that the monitors would be unarmed, not in uniform and without arrest powers.[836]
- **List maintenance policy.** A federal judge set aside a federal list-maintenance policy on October 9, and the government appealed.[837]

Because these cases were still moving at the cutoff, check a current source before relying on any of them. Chapter 22 summarizes where the main federal fights stood.

Other Cases on the Tracker

The Just Security tracker listed more cases than the ones above, and two more were decided right before Election Day:

In Trujillo v. Department of Homeland Security, a federal judge in Washington, D.C., on November 2 ordered the government "not to issue demands to California election officials seeking to compel the segregation of ballots" based on federal lists of suspected noncitizens.[838]

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[833] Ryan Goodman and Siven Watt, "2026 Midterms: Election Integrity Litigation Tracker," Just Security, November 3, 2026 (continually updated). https://www.justsecurity.org/162830/2026-midterms-election-integrity-litigation-tracker/ (accessed November 12, 2026).

[834] Ryan Goodman and Siven Watt, "2026 Midterms: Election Integrity Litigation Tracker," Just Security, November 3, 2026 (continually updated). https://www.justsecurity.org/162830/2026-midterms-election-integrity-litigation-tracker/ (accessed November 12, 2026).

[835] Ryan Goodman and Siven Watt, "2026 Midterms: Election Integrity Litigation Tracker," Just Security, November 3, 2026 (continually updated). https://www.justsecurity.org/162830/2026-midterms-election-integrity-litigation-tracker/ (accessed November 12, 2026).

[836] Ryan Goodman and Siven Watt, "2026 Midterms: Election Integrity Litigation Tracker," Just Security, November 3, 2026 (continually updated). https://www.justsecurity.org/162830/2026-midterms-election-integrity-litigation-tracker/ (accessed November 12, 2026).

[837] Ryan Goodman and Siven Watt, "2026 Midterms: Election Integrity Litigation Tracker," Just Security, November 3, 2026 (continually updated). https://www.justsecurity.org/162830/2026-midterms-election-integrity-litigation-tracker/ (accessed November 12, 2026).

[838] Ryan Goodman and Siven Watt, "2026 Midterms: Election Integrity Litigation Tracker," Just Security, November 3, 2026 (continually updated). https://www.justsecurity.org/162830/2026-midterms-election-integrity-litigation-tracker/ (accessed November 12, 2026).

A federal judge barred DHS from election-related home visits and interviews of people it knew or should suspect were citizens in nine states, and the Ninth Circuit refused to pause that order on October 30.[839]

Federal Election Monitors

Sending federal monitors to polling places is not new. In 2024, the Justice Department sent monitors to 86 jurisdictions in 27 states, and NPR reported that the department "regularly sends staff to monitor elections in communities across the U.S."[840] What was different in 2026 was the scale and who might be sent. The Congressional Research Service reported that DOJ planned to send "approximately 1,000" personnel to observe polling places.[841]

CRS also noted reports of federal law enforcement agents appearing at polling places during the 2026 primaries. DHS Secretary Mullin reportedly said agency personnel could respond to polling places for "specific threats" or to serve warrants, and the Chairman of the Joint Chiefs of Staff wrote that the "Joint Force has no plans" to send troops to polling places or seize election equipment.[842] As noted above, a federal judge required the government to keep its promise that its monitors would be unarmed clerical or administrative staff without arrest powers.

A Smaller Federal Security Role

After 2016, the Senate committee urged DHS to grow its help for states (see Chapter 18). By 2026, that help had shrunk. CRS reported that CISA "reportedly began curtailing elections services to states in early 2025," though it planned to offer more consultations to state and local officials before the general election.[843]

Congress pushed back in part. CRS said the explanatory statement for the 2026 homeland security spending law "provides for CISA to continue some elections services," including the Elections Infrastructure Information Sharing and Analysis Center, a group that shares threat warnings with election offices.[844] At the same time, DHS announced in July 2026 that the Federal Emergency Management Agency would hold back 20 percent of certain homeland

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[839] Ryan Goodman and Siven Watt, "2026 Midterms: Election Integrity Litigation Tracker," Just Security, November 3, 2026 (continually updated). https://www.justsecurity.org/162830/2026-midterms-election-integrity-litigation-tracker/ (accessed November 12, 2026).

[840] Ryan Lucas, NPR, "The Justice Department sending monitors to 27 states for the general election," via WUWM, November 5, 2024. https://www.wuwm.com/2024-11-05/the-justice-department-sending-monitors-to-27-states-for-the-general-election (accessed November 12, 2026).

[841] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[842] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[843] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[844] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

security grants unless states took election steps, including using the federal SAVE database to check the citizenship of people on their voter rolls. Those conditions were challenged in court.[845]

What Was Certified by November 12, 2026

As of November 12, 2026, I did not find an official, certified national count of the midterm results. Who controls the House and the Senate in the next Congress is, for this book, Unknown.

The calendar explains part of this. Under state laws as summarized by NCSL, Florida's state canvassing commission meets on the 14th day after the election, Georgia's secretary of state must certify by the 17th day and California's secretary of state by the 38th day.[846] Counting from November 3, that puts those dates at about November 17, November 20 and December 11, 2026, all after this book's cutoff. NCSL notes that the actual dates can shift for weekends and holidays.[847]

What to Take From This Chapter

- Trump won the 2024 popular vote by about 2.3 million votes and the Electoral College 312 to 226.
- CISA found no malicious activity that materially affected election infrastructure, despite foreign influence efforts.
- After 2024, some claims of rigging came from Trump's opponents; fact-checkers rated the best known one false.
- The 2026 midterms were held under heavy litigation; results not certified by the cutoff are not reported here.

[845] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[846] National Conference of State Legislatures (NCSL), "Election Certification Deadlines" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines (accessed November 12, 2026).

[847] National Conference of State Legislatures (NCSL), "Election Certification Deadlines" (updated October 14, 2026). https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines (accessed November 12, 2026).

Part Seven: Claim by Claim

Part Seven puts the most common election claims to the test, one at a time. Some come mostly from the right and some mostly from the left. I hold all of them to the same standard and use the four verdicts from the Introduction: True, Partly true, False (debunked) and Inconclusive.

Chapter 21: The Claims and the Verdicts

The information in this chapter is current as of November 12, 2026.

How I Rated Each Claim

For each claim, I give the claim as people usually say it, what the records show, and a verdict. I rate the claim as it is usually stated, not a weaker version of it. Where a claim mixes a true part with a false one, I say which part is which.

I also looked for where and when each claim first spread. [Not verified] For most of these claims I could not find a reliable record of the first time they appeared, so I describe how they spread only where a source says so.

Most of the evidence comes from earlier chapters. The chapter numbers in each entry show where to read more.

Claims About Fraud and Who Votes

1. "Millions of people voted illegally."

What the records show. Every official review I found that actually counted possible illegal votes found numbers in the dozens or hundreds, not millions. Georgia's 2024 citizenship audit found 20 noncitizens among 8.2 million registered voters, none of whom had voted that November.[848] Wisconsin's nonpartisan audit of the 2020 election found, for example, 11 possible votes cast in the names of people who had died.[849] Studies of specific kinds of fraud find rates measured in thousandths of a percent (Chapter 13).[850]

Verdict: False (debunked). No official audit, investigation or court has found illegal voting anywhere near the millions.

2. "Voting machines switched votes."

This claim was made most widely about 2020, and a version of it about 2024 is covered in Claim 22.

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[848] Associated Press, "Georgia citizenship audit finds few noncitizens on voter rolls," via WUGA, October 23, 2024. https://www.wuga.org/local-news/2024-10-23/georgia-citizenship-audit-finds-few-noncitizens-on-voter-rolls (accessed November 12, 2026).

[849] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[850] Justin Levitt, "The Truth About Voter Fraud," Brennan Center for Justice (progressive-leaning legal policy institute), 2007. https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf (accessed November 12, 2026). Justin Levitt, "A comprehensive investigation of voter impersonation finds 31 credible incidents out of one billion ballots cast," Washington Post (Wonkblog), August 6, 2014, as reposted by 3 Quarks Daily. https://3quarksdaily.com/?p=14089 (accessed November 12, 2026).

What the records show. Georgia hand-counted every presidential ballot in 2020, and the count "upheld and reaffirmed the original outcome."[851] Wisconsin's audit found the equipment "for the most part accurately counted ballots."[852] Federal and state election security officials said there was "no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."[853] Dominion Voting Systems sued Fox News over broadcasts of these claims, and Fox settled for $787.5 million.[854]

Verdict: False (debunked). Hand counts of paper ballots, which do not depend on the machines, matched the machine results.

3. "Dead people vote in large numbers."

What the records show. Voter lists do contain names of people who have died, because lists lag behind death records. In 2024, election offices removed 4.6 million names because the voter had died, which shows both that the problem is real and that it is being worked on.[855] A name on a list is not a vote. When auditors check, they find very few ballots cast in dead people's names: Wisconsin's 2020 audit found 11.[856]

Verdict: False (debunked). Dead people's names stay on lists for a while; ballots cast in their names are rare.

4. "Noncitizens are swinging elections."

What the records show. Noncitizen voting does happen and is a crime.[857] Georgia's 2024 audit found 20 noncitizens on its rolls out of 8.2 million registrants; nine had voted in past elections.[858] In October 2026, federal prosecutors charged 10 noncitizens in eastern North

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[851] Georgia Secretary of State, "Historic First Statewide Audit of Paper Ballots Upholds Result of Presidential Race," November 19, 2020. https://sos.ga.gov/news/historic-first-statewide-audit-paper-ballots-upholds-result-presidential-race (accessed November 12, 2026).

[852] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[853] Cybersecurity and Infrastructure Security Agency, "Joint Statement from Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees," November 12, 2020. https://www.cisa.gov/news-events/news/joint-statement-elections-infrastructure-government-coordinating-council-election (accessed November 12, 2026).

[854] Associated Press, report on the Dominion Voting Systems settlement with Fox News, via Fortune, April 18, 2023. https://fortune.com/2023/04/18/fox-news-dominion-settlement-787-million/ (accessed November 12, 2026).

[855] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[856] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[857] 18 U.S. Code Section 611, "Voting by aliens," via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/18/611 (accessed November 12, 2026).

[858] Associated Press, "Georgia citizenship audit finds few noncitizens on voter rolls," via WUGA, October 23, 2024. https://www.wuga.org/local-news/2024-10-23/georgia-citizenship-audit-finds-few-noncitizens-on-voter-rolls (accessed November 12, 2026).

Carolina with voting, mostly in 2024.[859] None of these sources found, or claimed, that noncitizen votes changed the result of any federal election.

Verdict: False (debunked). The documented numbers are tiny compared with the margins in federal races.

5. "Mail voting leads to widespread fraud."

What the records show. The true part: mail ballots are where most of the documented, result-changing fraud cases in this book happened, including Miami in 1997, North Carolina's Ninth District in 2018 and Paterson, New Jersey, in 2020 (Chapter 13).[860] The part that does not hold up is "widespread." Mail ballots go through signature or identity checks, and in 2024 the system caught and rejected mail ballots from voters who had already voted.[861] Research on states that switched to universal mail voting found it did not help either party.[862]

Verdict: Partly true. Mail ballots carry real risks and have been used for fraud in close local races, but the records do not show widespread fraud.

6. "Voter ID laws stop eligible people from voting in large numbers."

What the records show. One 2017 study found that strict photo ID laws lowered minority turnout, but other researchers found its results came from "data inaccuracies."[863] The largest national study, covering 2008 to 2018, found "no negative effect on registration or turnout, overall or for any group."[864] Neither result means no one is ever burdened.

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[859] U.S. Attorney's Office, Eastern District of North Carolina, "EDNC Unveils Ten Federal Indictments Alleging Noncitizens Voted in the 2024 Election," October 15, 2026. https://www.justice.gov/usao-ednc/pr/ednc-unveils-ten-federal-indictments-alleging-noncitizens-voted-2024-election (accessed November 12, 2026).

[860] North Carolina State Board of Elections, Order in the Matter of Investigation of Election Irregularities Affecting Counties Within the 9th Congressional District, March 13, 2019. https://dl.ncsbe.gov/State_Board_Meeting_Docs/Congressional_District_9_Portal/Order_03132019.pdf (accessed November 12, 2026). New Jersey Globe, "Amidst voter fraud allegations, judge orders new election in Paterson," August 19, 2020. https://newjerseyglobe.com/local/amidst-voter-fraud-allegations-judge-orders-new-election-in-paterson/ (accessed November 12, 2026). In re the Matter of the Protest of Election Returns and Absentee Ballots in the November 4, 1997 Election for the City of Miami, 707 So. 2d 1170 (Fla. 3d DCA, March 11, 1998).

[861] National Conference of State Legislatures (NCSL), "Table 14: How States Verify Voted Absentee/Mail Ballots" (updated October 26, 2026). https://www.ncsl.org/elections-and-campaigns/table-14-how-states-verify-voted-absentee-mail-ballots (accessed November 12, 2026). U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[862] Daniel M. Thompson, Jennifer A. Wu, Jesse Yoder and Andrew B. Hall, "Universal Vote-by-Mail Has No Impact on Partisan Turnout or Vote Share," Proceedings of the National Academy of Sciences 117, no. 25 (2020). https://www.pnas.org/doi/10.1073/pnas.2007249117 (accessed November 12, 2026).

[863] Zoltan Hajnal, Nazita Lajevardi and Lindsay Nielson, "Voter Identification Laws and the Suppression of Minority Votes," Journal of Politics 79, no. 2 (2017). https://pages.ucsd.edu/~zhajnal/page5/documents/voterIDhajnaletal.pdf (accessed November 12, 2026). Justin Grimmer, Eitan Hersh, Marc Meredith, Jonathan Mummolo and Clayton Nall, "Obstacles to Estimating Voter ID Laws' Effect on Turnout," Journal of Politics 80, no. 3 (2018). https://cces.gov.harvard.edu/publications/obstacles-estimating-voter-id-laws%E2%80%99-effect-turnout (accessed November 12, 2026).

[864] Enrico Cantoni and Vincent Pons, "Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018," Quarterly Journal of Economics 136, no. 4 (2021): 2615-2660; working paper version, National Bureau of Economic Research Working Paper 25522. https://www.nber.org/papers/w25522 (accessed November 12, 2026).

Verdict: Inconclusive. The best current evidence does not show large numbers of eligible voters kept from voting, but research on specific states and laws continues. A clear answer would need studies of each strict law, using official voter records, after it took effect.

Claims About Stolen Elections

7. "The 2000 election was stolen."

What the records show. The Supreme Court stopped Florida's recount in Bush v. Gore.[865] A later media review found Bush likely would have won the recounts Gore asked for, but Gore might have won a full statewide recount that no one requested.[866] The U.S. Commission on Civil Rights found serious problems with rejected ballots and a flawed felon purge list, especially for Black voters, but did not find that top state officials conspired to keep people from voting.[867]

Verdict: Inconclusive. No record shows deliberate theft. But the margin was so small, and the problems so real, that who would have won a complete count of every ballot cannot be settled from the records.

8. "The 2016 election was stolen."

What the records show. Russia ran an influence campaign and probed election systems.[868] But the bipartisan Senate investigation "has seen no evidence that any votes were changed or that any voting machines were manipulated."[869]

Verdict: False (debunked) as to the count. Foreign interference was real, but the vote totals were not changed. Whether the influence campaign changed people's minds is a different question that no official investigation I found tried to measure.

9. "The 2020 election was stolen."

What the records show. Hand counts and audits confirmed the results (Claim 2). The Attorney General said the Justice Department had not seen fraud "on a scale that could have"

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[865] Bush v. Gore, 531 U.S. 98 (December 12, 2000) (per curiam), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/531/98 (accessed November 12, 2026).

[866] FactCheck.org, "The Florida Recount of 2000," January 22, 2008. https://www.factcheck.org/2008/01/the-florida-recount-of-2000 (accessed November 12, 2026).

[867] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Executive Summary (June 2001). https://www.usccr.gov/files/pubs/vote2000/report/exesum.htm (accessed November 12, 2026). U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Chapter 9: Findings and Recommendations. https://www.usccr.gov/pubs/vote2000/report/ch9.htm (accessed November 12, 2026).

[868] Special Counsel Robert S. Mueller III, "Report on the Investigation into Russian Interference in the 2016 Presidential Election," Volume I, U.S. Department of Justice, March 2019. https://www.justice.gov/archives/sco/file/1373816/dl (accessed November 12, 2026). U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[869] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

changed the outcome.[870] Of 62 lawsuits filed by the Trump campaign and its allies, one succeeded.[871]

Verdict: False (debunked).

10. "The 2024 election was stolen."

What the records show. CISA said it had "no evidence of any malicious activity that had a material impact" on election infrastructure.[872] Congress counted the electoral votes on January 6, 2025.[873] The most widely shared version of this claim, about Starlink, is Claim 22.

Verdict: False (debunked).

11. "Russia changed vote counts" (2016).

What the records show. Same as Claim 8: no evidence that votes were changed or machines manipulated.[874]

Verdict: False (debunked).

12. "The 2004 election was stolen in Ohio."

What the records show. Bush won Ohio by about 118,000 votes.[875] When Democrats objected in Congress, they did so while "acknowledging that George W. Bush had more than enough votes to win," and House Democratic leader Nancy Pelosi said there was "absolutely no question George W. Bush won."[876] Both chambers rejected the objection.[877]

Verdict: False (debunked). Concerns about how Ohio ran its election were raised, but even the objectors did not claim the result was wrong.

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[870] Associated Press interview with Attorney General William Barr, December 1, 2020, as reported by NPR. https://www.npr.org/2020/12/01/940828358/barr-says-justice-department-hasnt-found-widespread-voter-fraud (accessed November 12, 2026).

[871] U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol, Final Report, H. Rept. 117-663, December 22, 2022. https://www.govinfo.gov/content/pkg/GPO-J6-REPORT/pdf/GPO-J6-REPORT.pdf (accessed November 12, 2026).

[872] Cybersecurity and Infrastructure Security Agency, "Statement from CISA Director Easterly on the Security of the 2024 Elections," November 6, 2024. https://content.govdelivery.com/accounts/USDHSCISA/bulletins/3c060cb (accessed November 12, 2026).

[873] National Archives, Office of the Federal Register, "2024 Electoral College Results" (last reviewed January 13, 2025). https://www.archives.gov/electoral-college/2024 (accessed November 12, 2026).

[874] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[875] Associated Press, "Congress Rejects Election Challenge," via NBC News, January 6, 2005. https://www.nbcnews.com/news/amp/wbna6794307 (accessed November 12, 2026).

[876] Sonny Bunch, Roll Call, "Democrats Contest Ohio Electoral Vote, but Bush Officially Re-elected," January 7, 2005. https://rollcall.com/2005/01/07/democrats-contest-ohio-electoral-vote-but-bush-officially-re-elected/ (accessed November 12, 2026).

[877] Associated Press, "Congress Rejects Election Challenge," via NBC News, January 6, 2005. https://www.nbcnews.com/news/amp/wbna6794307 (accessed November 12, 2026).

13. "Chicago fraud gave Kennedy the 1960 election."

What the records show. A historian who studied the Cook County recount found votes had been stolen in a local race, "but much fewer from Nixon," and not enough to change Illinois.[878] And the math does not work: Kennedy won 303 electoral votes.[879] Without Illinois's 27, he still would have had 276, more than the 269 needed that year.[880]

Verdict: False (debunked). Some fraud in Chicago is documented, but it did not decide the election.

Claims About Specific Events and Machines

14. "Russia hacked state voter registration systems in 2016."

What the records show. The Senate Intelligence Committee found Russian-linked hackers "gained access to election infrastructure systems across two states," including Illinois, where they "accessed up to 200,000 voter registration records." None of those systems counted votes.[881]

Verdict: True.

15. "The 2018 Georgia governor's race was stolen through voter suppression."

What the records show. After the 2018 race between Brian Kemp and Stacey Abrams, a group Abrams founded, Fair Fight Action, sued Georgia over its voting practices. On September 30, 2022, after a trial, U.S. District Judge Steve Jones ruled for the state on every claim, finding that "the challenged practices violate neither the constitution nor the Voting Rights Act." The court also said Georgia's system "is not perfect."[882] I read the ruling's key lines as quoted by the Georgia Secretary of State, who was a party to the case; I could not open the 288-page order itself.

Verdict: False (debunked). The one full trial on Georgia's 2018-era voting practices found they did not violate federal law. That does not mean no voter had trouble voting, but it does not support the claim that the election was stolen.

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[878] Livia Gershon, "Should Nixon Have Demanded a Recount?," JSTOR Daily, 2016 (updated 2018), summarizing Edmund F. Kallina, Journal of American Studies (1978). https://daily.jstor.org/should-nixon-have-demanded-a-recount (accessed November 12, 2026).

[879] National Archives, Office of the Federal Register, "1960 Electoral College Results" (last reviewed June 27, 2024). https://www.archives.gov/electoral-college/1960 (accessed November 12, 2026).

[880] National Archives, Office of the Federal Register, "1960 Electoral College Results" (last reviewed June 27, 2024). https://www.archives.gov/electoral-college/1960 (accessed November 12, 2026). Scott Bomboy, "The Drama Behind President Kennedy's 1960 Election Win," National Constitution Center, November 7, 2017. https://constitutioncenter.org/blog/the-drama-behind-president-kennedys-1960-election-win (accessed November 12, 2026).

[881] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

[882] Georgia Secretary of State, "Raffensperger Defeats Stacey Abrams' 'Stolen Election' Claims in Court," September 30, 2022 (quoting Fair Fight Action v. Raffensperger, N.D. Ga.). https://sos.ga.gov/news/raffensperger-defeats-stacey-abrams-stolen-election-claims-court (accessed November 12, 2026).

16. "Ballots were pulled from suitcases under a table at State Farm Arena in Atlanta" (2020).

What the records show. State officials said the containers in the video were "typical ballot containers used to secure ballots," holding ballots that had been opened and processed earlier that night. An investigation by the Georgia Secretary of State's office, the Georgia Bureau of Investigation and the FBI concluded, "There was no evidence of any type of fraud as alleged." The two election workers named in the claim were cleared.[883]

Verdict: False (debunked).

17. "Dominion voting machines were tied to Venezuela and Hugo Chavez."

What the records show. PolitiFact found that Dominion was founded in 2003 in Toronto, Canada, and in 2018 was bought mainly by Staple Street Capital, a New York private equity firm. The claim appears to mix Dominion up with a different company, Smartmatic, whose founders were born in Venezuela but which was founded in Florida and says it has no tie to Chavez. Both companies deny any connection with each other.[884] Fox News later paid $787.5 million to settle Dominion's lawsuit over broadcasts of claims about its machines.[885]

Verdict: False (debunked).

18. "Ballots marked with Sharpie pens were thrown out in Arizona" (2020).

What the records show. Maricopa County, where the claim began, recommended fine-tip Sharpies at polling places because they are "the fastest drying ink and works best on the tabulation equipment." Its ballots used offset columns so that ink bleeding through would not touch a vote on the other side. Arizona's Secretary of State said in-person ballots "will be counted, no matter what kind of pen you used (even a Sharpie)!"[886]

Verdict: False (debunked).

19. "Voting machines are connected to the internet and can be hacked from anywhere."

What the records show. The true part: some election systems are online, and voter registration databases in two states were breached in 2016.[887] But PolitiFact found that vote tabulators in the 2024 swing states are not connected to the internet.[888] And more than 98

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[883] Angelo Fichera, "Video Doesn't Show 'Suitcases' of Illegal Ballots in Georgia," FactCheck.org, December 4, 2020 (updated August 1, 2023). https://www.factcheck.org/2020/12/video-doesnt-show-suitcases-of-illegal-ballots-in-georgia/ (accessed November 12, 2026).

[884] Noah Y. Kim, "No, Hugo Chavez's family does not own Dominion Voting Systems," PolitiFact, December 3, 2020. https://www.politifact.com/factchecks/2020/dec/03/facebook-posts/no-hugo-chavezs-family-does-not-own-dominion-votin/ (accessed November 12, 2026).

[885] Associated Press, report on the Dominion Voting Systems settlement with Fox News, via Fortune, April 18, 2023. https://fortune.com/2023/04/18/fox-news-dominion-settlement-787-million/ (accessed November 12, 2026).

[886] Saranac Hale Spencer, "Sharpie Ballots Count in Arizona," FactCheck.org, November 4, 2020. https://www.factcheck.org/2020/11/sharpie-ballots-count-in-arizona/ (accessed November 12, 2026).

[887] U.S. Senate Select Committee on Intelligence, "Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 1: Russian Efforts Against Election Infrastructure," July 2019. https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf (accessed November 12, 2026).

percent of jurisdictions use paper ballots or machines that make a paper record, which can be hand-counted to check the machines.[889]

Verdict: Partly true. Some election computers are online and have been attacked, but the machines that count votes are generally not online, and paper records allow the count to be checked.

20. "Voter rolls are full of ineligible names, so ineligible people are voting."

What the records show. The first half has truth in it. More than 1 in 10 Americans move each year, and lists lag behind moves and deaths.[890] In 2024, election offices removed more than 21 million names from voter lists.[891] The second half does not follow. A name on a list is not a ballot, and checks such as signature matching and duplicate-ballot detection catch many problems (Chapter 7 and Chapter 13).[892]

Verdict: Partly true. Lists include outdated names; that does not mean ineligible people are voting in large numbers.

21. "Noncitizens can register just by checking a box."

What the records show. The true part: the federal registration form asks applicants to check whether they are citizens and sign under penalty of perjury, and most states do not require a document proving citizenship.[893] What the claim leaves out: lying on the form is a crime that can lead to prison or deportation;[894] federal law requires states to check a new registrant's driver's

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[888] PolitiFact, "No, Elon Musk's Starlink wasn't used to rig the 2024 presidential election for Donald Trump," November 12, 2024. https://www.politifact.com/factchecks/2024/nov/12/threads-posts/no-elon-musks-starlink-wasnt-used-to-rig-the-2024/ (accessed November 12, 2026).

[889] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[890] U.S. Census Bureau, "United States Migration/Geographic Mobility at a Glance: American Community Survey 1-Year Estimates" (revised October 30, 2026). https://www.census.gov/topics/population/migration/guidance/acs-1yr.html (accessed November 12, 2026).

[891] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[892] U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[893] U.S. Election Assistance Commission, "National Mail Voter Registration Form". https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf (accessed November 12, 2026). Arizona v. Inter Tribal Council of Arizona, Inc., 570 U.S. 1 (June 17, 2013), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/supremecourt/text/12-71 (accessed November 12, 2026).

[894] U.S. Election Assistance Commission, "National Mail Voter Registration Form". https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf (accessed November 12, 2026).

license or Social Security number;[895] and 13 states have passed laws requiring documentary proof of citizenship, though not all are in effect.[896]

Verdict: Partly true.

22. "Starlink or vote-counting software changed the 2024 results."

What the records show. PolitiFact rated the Starlink claim "Pants on Fire," finding that swing-state tabulators are not internet-connected and the only Starlink use it found was for electronic poll books in one California county.[897] CISA found no malicious activity with a material impact on election infrastructure.[898]

Verdict: False (debunked).

23. "Counting mail ballots that arrive after Election Day is illegal."

What the records show. In Watson v. Republican National Committee, decided June 29, 2026, the Supreme Court held that federal Election Day laws "do not set a deadline for ballot receipt," so states may count ballots postmarked by Election Day that arrive afterward, within the time state law allows.[899] A 2025 executive order directed enforcement against such states, but a federal court declared that part of the order void in June 2026.[900]

Verdict: False (debunked), as of the cutoff. A state can still choose to require ballots to arrive by Election Day.

24. Claims About the 2026 Midterms

[Not verified] As of November 12, 2026, I did not find a widely spread claim about the 2026 midterm count that also had an official record, audit or court ruling to test it against. Many races were still being counted. I give no verdict here, and the next edition should revisit this.

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[895] 52 U.S. Code Section 21083, "Computerized statewide voter registration list requirements and requirements for voters who register by mail" (Help America Vote Act, Section 303), via Legal Information Institute, Cornell Law School. https://www.law.cornell.edu/uscode/text/52/21083 (accessed November 12, 2026).

[896] King, Nelson and Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

[897] PolitiFact, "No, Elon Musk's Starlink wasn't used to rig the 2024 presidential election for Donald Trump," November 12, 2024. https://www.politifact.com/factchecks/2024/nov/12/threads-posts/no-elon-musks-starlink-wasnt-used-to-rig-the-2024/ (accessed November 12, 2026).

[898] Cybersecurity and Infrastructure Security Agency, "Statement from CISA Director Easterly on the Security of the 2024 Elections," November 6, 2024. https://content.govdelivery.com/accounts/USDHSCISA/bulletins/3c060cb (accessed November 12, 2026).

[899] Supreme Court of the United States, Watson v. Republican National Committee, No. 24-1260 (June 29, 2026), slip opinion. https://www.supremecourt.gov/opinions/25pdf/24-1260_g3cn.pdf (accessed November 12, 2026).

[900] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026). U.S. District Court for the District of Massachusetts, State of California v. Trump, No. 25-cv-10810-DJC, memorandum and order (Chief Judge Denise J. Casper), June 24, 2026. https://www.courthousenews.com/wp-content/uploads/2026/06/states-v-trump-elections-eo-ruling.pdf (accessed November 12, 2026).

More Claims Tested

Each claim below spread widely after a particular election, and each one can be checked against an official record. I use the same four verdicts and the same test as for Claims 1 through 23. Claims 25 through 27 have come mostly from the right, Claims 28 and 29 mostly from the left, and Claim 30 mostly from the right.

25. "Tens of thousands of fraudulent ballots were 'dumped' in Detroit overnight" (2020).

You might ask, "Why do vote totals jump in the middle of the night?" Here is how it works. Many large cities count mail ballots at a central location, and the results come in as big batches rather than one precinct at a time. In Wisconsin, for example, 39 municipalities counted absentee ballots at central count locations in November 2020.[901] When a big batch from a city is posted at once, the running total can jump.

What the records show. In June 2021, the Michigan Senate Oversight Committee, led by Republicans, released its review of the 2020 election and "concluded there was no widespread or systemic fraud."[902] The report rejected the claim that "tens of thousands of fraudulent absentee ballots were 'dumped' at Detroit's counting center after the polls closed," explaining that "Those ballots had been submitted throughout Election Day in drop boxes, in the mail and at clerk's offices."[903] The committee chairman, Republican state Senator Ed McBroom, said, "I hope the public is reassured by the security and protections already in place."[904] [Not verified: I could not open the committee's report itself; its original web address now leads to the Michigan Senate Republicans' home page, so I rely on the Associated Press account of it.]

Verdict: False (debunked). Late batches of ballots reflect when and where ballots were counted, not when they were cast.

26. "Pennsylvania counted more votes than voters" (2020).

What the records show. This claim compared the certified vote count with the vote history entries in Pennsylvania's statewide voter registration system, known as SURE. Pennsylvania's Department of State says, "Claims that there were 'more votes than voters' in Pennsylvania in the 2020 general election are false."[905] It reports that "6,945,045 registered voters successfully

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[901] Wisconsin Legislative Audit Bureau, "Elections Administration," Report 21-19, October 2021, section on central count locations. https://legis.wisconsin.gov/lab/media/3288/21-19full.pdf (accessed November 12, 2026).

[902] David Eggert, Associated Press, "Michigan Senate GOP probe: No systemic fraud in election," via WLOS, June 23, 2021. https://wlos.com/news/nation-world/michigan-senate-gop-probe-no-systemic-fraud-in-election (accessed November 12, 2026).

[903] David Eggert, Associated Press, "Michigan Senate GOP probe: No systemic fraud in election," via WLOS, June 23, 2021. https://wlos.com/news/nation-world/michigan-senate-gop-probe-no-systemic-fraud-in-election (accessed November 12, 2026).

[904] David Eggert, Associated Press, "Michigan Senate GOP probe: No systemic fraud in election," via WLOS, June 23, 2021. https://wlos.com/news/nation-world/michigan-senate-gop-probe-no-systemic-fraud-in-election (accessed November 12, 2026).

[905] Pennsylvania Department of State, "Fact-Checking Pennsylvania-Related Election Claims." https://www.pa.gov/en/agencies/vote/elections/fact-checking-pa-related-election-claims.html (accessed November 12, 2026).

cast a ballot" in that election.[906] The department explains that the vote history file is a snapshot taken at one moment, and that the SURE system "should not be used to" check vote totals: it "was never intended" for that purpose.[907]

Here is what that means. A snapshot of vote history records taken before every county has finished posting them will come up short of the ballots actually counted.

Verdict: False (debunked).

27. "Thousands of dead people voted in Georgia" (2020).

What the records show. Georgia Secretary of State Brad Raffensperger, a Republican, answered this claim in a letter to members of Congress on January 6, 2021. The Atlanta Journal-Constitution reported that the letter called one widely shared analysis of illegal voters "unreliable and inaccurate," and said his office was investigating "two voters who had died and 395 people who allegedly cast ballots in both Georgia and another state," along with "as many as 74 felon voters."[908] The same report said, "There were zero unregistered or underage voters, he said."[909]

In December 2021, Raffensperger described the final count in a public talk: "It was alleged that there was 10,315 dead people that voted in Georgia," and "I wrote a letter to Congress on Jan. 6, and I said there's two that we found. Since that time we found two more."[910] [Not verified: I could not open the letter itself on the Georgia Secretary of State's website, which blocked my requests, so the figures above come from news accounts of it.]

Verdict: False (debunked). Four confirmed cases is not thousands.

28. "The 2004 exit polls prove the vote count was rigged."

What the records show. The gap was real. The firms that ran the 2004 exit polls for the major news networks, Edison Media Research and Mitofsky International, reported that "The exit poll estimates in the 2004 general election overstated John Kerry's share of the vote nationally and in many states." They found 26 states where the polls overstated Kerry's vote by more than one standard error and four where they overstated Bush's.[911]

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[906] Pennsylvania Department of State, "Fact-Checking Pennsylvania-Related Election Claims." https://www.pa.gov/en/agencies/vote/elections/fact-checking-pa-related-election-claims.html (accessed November 12, 2026).

[907] Pennsylvania Department of State, "Fact-Checking Pennsylvania-Related Election Claims." https://www.pa.gov/en/agencies/vote/elections/fact-checking-pa-related-election-claims.html (accessed November 12, 2026).

[908] Mark Niesse, Atlanta Journal-Constitution, report on Secretary of State Brad Raffensperger's January 6, 2021, letter to Congress, updated January 7, 2021. https://www.ajc.com/politics/georgia-elections-chief-refutes-election-claims-in-letter-to-congress/RBZJQSTUOJECTO4EMSAXGXJSK4/ (accessed November 12, 2026).

[909] Mark Niesse, Atlanta Journal-Constitution, report on Secretary of State Brad Raffensperger's January 6, 2021, letter to Congress, updated January 7, 2021. https://www.ajc.com/politics/georgia-elections-chief-refutes-election-claims-in-letter-to-congress/RBZJQSTUOJECTO4EMSAXGXJSK4/ (accessed November 12, 2026).

[910] Asia Ashley, Moultrie Observer, report on remarks by Secretary of State Brad Raffensperger, December 9, 2021. https://moultrieobserver.com/?p=272187 (accessed November 12, 2026).

[911] Edison Media Research and Mitofsky International, "Evaluation of Edison/Mitofsky Election System 2004," January 19, 2005, pages 3-4. https://abcnews.com/images/Politics/EvaluationofEdisonMitofskyElectionSystem.pdf (accessed November 12, 2026).

Their explanation was that "Kerry voters were more likely to participate in the exit polls than Bush voters," and they concluded that "Exit polls do not support the allegations of fraud due to rigging of voting equipment."[912] The same report shows a point that critics raise: the gap was smallest in precincts that used paper ballots. The pollsters' answer was that "The low value of the WPE in paper ballot precincts may be due to the location of those precincts in rural areas," where the gap was smaller everywhere. (WPE, or within-precinct error, is their measure of the gap between the poll and the count in each sampled precinct.)[913]

The evaluation was written by the pollsters themselves, so read it with care; still, a survey of people willing to stop and answer cannot overrule counted ballots. Even the Democrats who objected to Ohio's votes in Congress acknowledged Bush had won (Claim 12).

Verdict: False (debunked). The exit poll miss is documented; the claim that it proves rigging is not supported by the record.

29. "Voter purges have cost Democrats elections."

What the records show. Federal law requires states to remove some names, such as registrants who have not responded to a notice and "have not voted in 2 consecutive general elections for Federal office," and the Supreme Court upheld Ohio's process in 2018 (Chapter 12).[914] The strongest documented case of a harmful purge is Florida in 2000. The U.S. Commission on Civil Rights found that Florida's purge list, compiled by a private firm, had "at least a 14.1 percent error rate," that Black voters were more likely to be listed in error, and that its use "resulted in denying countless African Americans the right to vote."[915] For Georgia in 2018, the one full trial on the state's voting practices ruled for the state (Claim 15).

What the records do not show is how many votes any purge cost, or for which party. The Commission's own word was "countless." No audit or court I found counted how the wrongly removed voters would have voted.

Verdict: Inconclusive. Purges have removed eligible voters, and in Florida in 2000 they fell hardest on Black voters. Whether they changed who won cannot be settled from the records.

30. "Noncitizens are being registered through motor vehicle offices."

What the records show. The true part is documented in two states. In 2017, Philadelphia City Commissioner Al Schmidt, a Republican, told Pennsylvania senators his office had found 220 noncitizens who were registered at some point between 2006 and 2017, and 90 of them had voted. Of the 220, 168 "either initially registered to vote through PennDOT 'Motor Voter,' or modified their voter registration record" through it. He told the committee the process "is both

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[912] Edison Media Research and Mitofsky International, "Evaluation of Edison/Mitofsky Election System 2004," January 19, 2005, pages 3-4. https://abcnews.com/images/Politics/EvaluationofEdisonMitofskyElectionSystem.pdf (accessed November 12, 2026).

[913] Edison Media Research and Mitofsky International, "Evaluation of Edison/Mitofsky Election System 2004," January 19, 2005, page 40. https://abcnews.com/images/Politics/EvaluationofEdisonMitofskyElectionSystem.pdf (accessed November 12, 2026).

[914] Husted v. A. Philip Randolph Institute, 584 U.S. 756 (June 11, 2018), via Legal Information Institute, Cornell Law School, quoting 52 U.S.C. Section 21083(a)(4)(A). https://www.law.cornell.edu/supremecourt/text/16-980 (accessed November 12, 2026).

[915] U.S. Commission on Civil Rights, "Voting Irregularities in Florida During the 2000 Presidential Election," Chapter 9: Findings and Recommendations. https://www.usccr.gov/pubs/vote2000/report/ch9.htm (accessed November 12, 2026).

harmful to election integrity and to members of the immigrant community seeking citizenship," because people who had just shown proof that they were not citizens were still offered the registration screen.[916]

The more recent record is smaller. Pennsylvania's Auditor General audited the motor voter process for January to June 2024 to test "whether it properly excluded non-citizens in voter registration application files," covering more than 200,000 applications sent from the motor vehicle agency, PennDOT.[917] Votebeat and Spotlight PA reported that the audit flagged 58 applications and confirmed one noncitizen, who did not vote, and that Auditor General Tim DeFoor, a Republican, found the system "works as intended" but said "the internal controls and security protocols around it must improve."[918]

In Arizona, a data error marked some people with driver's licenses from before October 1996 as having proven citizenship when they had not. Arizona's Attorney General wrote that the error came to light because "someone who was not a U.S. citizen had been registered to vote in 2022," and that the state's estimate of affected voters grew from 97,928 to "202,760 voters." The Arizona Supreme Court let those voters cast full ballots in 2024 (Richer v. Fontes, September 20, 2024), and the Attorney General's opinion said "most of the Affected Voters likely are citizens."[919] In October 2024, Votebeat reported that only two people on the list had been identified as noncitizens so far.[920]

Verdict: Partly true. Motor vehicle offices have registered some noncitizens by mistake, and the Pennsylvania testimony shows some of them voted. The documented numbers are small, and each problem was found by the election officials' own checks.

The New Claims at a Glance

More claims tested (as of November 12, 2026)

No.	Claim	Verdict
25	Fraudulent ballots were "dumped" in Detroit overnight (2020)	False (debunked)
26	Pennsylvania counted more	False (debunked)

[916] Testimony of Al Schmidt, City Commissioner of Philadelphia, Joint Public Hearing before the Pennsylvania Senate State Government and Transportation Committees, December 12, 2017. https://stategovernment.pasenategop.com/wp-content/uploads/sites/141/2017/12/schmidt.pdf (accessed November 12, 2026).

[917] Pennsylvania Department of the Auditor General, "Pennsylvania Department of Transportation - Governor's Office of Administration - Pennsylvania Motor Voter Process," audit published April 17, 2026. https://www.paauditor.gov/audits/pennsylvania-department-of-transportation-governors-office-of-administration-pennsylvania-motor-voter-process-audit-period-january-1-2024-to-june-20-2024/ (accessed November 12, 2026).

[918] Carter Walker, Votebeat in partnership with Spotlight PA, report on the Pennsylvania motor voter audit, April 17, 2026. https://www.spotlightpa.org/news/2026/04/penndot-motor-voter-audit-tim-defoor-noncitizen-elections/ (accessed November 12, 2026).

[919] Arizona Attorney General Kris Mayes, Opinion I25-007 (R25-009), "Treatment of Voters with Legacy MVD Credentials Who May Not Have Provided Proof of Authorized Presence to MVD," August 18, 2025. https://www.azag.gov/opinions/i25-007-r25-009 (accessed November 12, 2026).

[920] Jen Fifield, Votebeat, report on the Arizona citizenship data error, October 3, 2024. https://www.votebeat.org/arizona/2024/10/03/citizenship-proof-error-federal-only-voter-registration-drivers-license-records (accessed November 12, 2026).

	votes than voters (2020)	
27	Thousands of dead people voted in Georgia (2020)	False (debunked)
28	The 2004 exit polls prove the count was rigged	False (debunked)
29	Voter purges have cost Democrats elections	Inconclusive
30	Noncitizens are being registered through motor vehicle offices	Partly true

Source: the entries for Claims 25 through 30 above, which cite each record.

The Verdicts at a Glance

No.	Claim	Verdict
1	Millions of people voted illegally	False (debunked)
2	Voting machines switched votes	False (debunked)
3	Dead people vote in large numbers	False (debunked)
4	Noncitizens are swinging elections	False (debunked)
5	Mail voting leads to widespread fraud	Partly true
6	Voter ID laws stop eligible people from voting in large numbers	Inconclusive
7	The 2000 election was stolen	Inconclusive
8	The 2016 election was stolen	False (debunked)
9	The 2020 election was stolen	False (debunked)
10	The 2024 election was stolen	False (debunked)
11	Russia changed vote counts	False (debunked)
12	The 2004 election was stolen in Ohio	False (debunked)
13	Chicago fraud gave Kennedy the 1960 election	False (debunked)
14	Russia hacked state voter registration systems in 2016	True
15	The 2018 Georgia governor's race was stolen through voter suppression	False (debunked)
16	Ballots pulled from suitcases at State Farm Arena	False (debunked)

No.	Claim	Verdict
17	Dominion machines were tied to Venezuela and Hugo Chavez	False (debunked)
18	Sharpie-marked ballots were thrown out in Arizona	False (debunked)
19	Voting machines are online and can be hacked from anywhere	Partly true
20	Voter rolls are full of ineligible names, so ineligible people vote	Partly true
21	Noncitizens can register just by checking a box	Partly true
22	Starlink or software changed the 2024 results	False (debunked)
23	Counting mail ballots that arrive after Election Day is illegal	False (debunked)
24	Claims about the 2026 midterms	Not rated as of the cutoff

What to Take From This Chapter

- Claims that an entire election was stolen, whichever side made them, did not hold up against hand counts, audits and court records, with 2000 the one case too close to call.
- Several popular claims have a true core that gets stretched: mail ballots carry real risks, voter lists do contain outdated names, and registration does rely on a sworn statement.
- The same test applies to every claim: what do the official records, audits and court rulings actually show?

Part Eight: Where Things Stand and Where They Could Go

The last part of the book looks at the present and the choices ahead. Chapter 22 sums up the federal laws, court cases and executive actions in play as of the cutoff, and what Americans say about their trust in elections. Chapter 23 lays out the main reform proposals, who supports them and what the evidence says. I do not recommend any of them.

Chapter 22: Where Things Stand

The information in this chapter is current as of November 12, 2026.

The Federal Laws

The basic federal framework has not changed much in recent years. The National Voter Registration Act of 1993 and the Help America Vote Act of 2002 still set the main federal rules for registration, voter lists and voting equipment (Chapter 5).[921] The Electoral Count Reform Act of 2022 rewrote the rules for counting electoral votes (Chapter 8).[922] According to CRS, as of September 2026, "The 119th Congress has not significantly amended federal election law."[923]

The biggest bills in play deal with proof of citizenship. The SAVE Act, H.R. 22, which would require documentary proof of citizenship to register for federal elections, passed the House on April 10, 2025.[924] The SAVE America Act, S. 3752, introduced in the Senate on January 29, 2026, would add a photo ID requirement for voting in person.[925] CRS reports that the House has passed versions of the SAVE America Act.[926] As of the cutoff, neither bill had become law.

The Election Assistance Commission, the federal agency that certifies voting equipment and runs the national election survey, had a problem of its own: CRS reported that "No EAC commissioners are currently in office."[927]

The same CRS report explains which bill the House used in 2026. It says "the House has passed versions of the Safeguard American Voter Eligibility (SAVE America Act) as an amendment to S. 1383," and lists related House bills, including H.R. 7008, H.R. 8595, H.R. 8800 and H.R. 22.[928]

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[921] Congressional Research Service, "Federal Investigations and Seizures of Voting Records," In Focus IF13235, May 26, 2026. https://www.everycrsreport.com/reports/IF13235.html (accessed November 12, 2026).

[922] National Archives, Office of the Federal Register, "Electoral College: Frequently Asked Questions," last reviewed January 13, 2026. https://www.archives.gov/electoral-college/faq (accessed November 12, 2026).

[923] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[924] H.R. 22, Safeguard American Voter Eligibility Act (SAVE Act), 119th Congress, engrossed in House, April 10, 2025. https://www.congress.gov/bill/119th-congress/house-bill/22/all-info (accessed November 12, 2026).

[925] S. 3752, SAVE America Act, 119th Congress, introduced in Senate January 29, 2026. https://www.congress.gov/bill/119th-congress/senate-bill/3752/all-info (accessed November 12, 2026).

[926] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[927] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[928] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

The bill's House sponsor, Representative Chip Roy, a Texas Republican, also named S. 1383 when he announced the House vote on February 11, 2026.[929]

One small federal change did become law. According to CRS, a provision in the defense bill for fiscal year 2026 (Public Law 119-60) "requires the EAC to provide for penetration testing as part the voting system testing and certification program." Penetration testing means hiring experts to try to break into a system so its weak spots can be fixed.[930]

The Court Rulings

Three Supreme Court rulings in 2026 shaped the rules:

- **Louisiana v. Callais** (April 29, 2026) narrowed how the Voting Rights Act applies to election district maps (Chapter 4).[931]
- **Watson v. Republican National Committee** (June 29, 2026) held that federal law does not stop states from counting mail ballots postmarked by Election Day that arrive later (Chapter 11).[932]
- **Trump v. California** (August 24, 2026) put on hold one lower-court injunction against Executive Order 14399, on grounds that the case was not yet ready for court, while saying nothing final about whether the order is lawful (Chapter 11).[933]

In the lower courts, a federal appeals court ruled in June 2026 that the Justice Department was not entitled to Michigan's full voter list under the Civil Rights Act of 1960 (Chapter 12).[934] Many more cases were active around the 2026 midterms (Chapter 20).[935]

The Executive Orders

Two executive orders tried to change election rules directly. Executive Order 14248 (2025) dealt with proof of citizenship on the federal registration form, mail ballot deadlines, funding for states and voting equipment. A federal court declared key sections of it "unconstitutional and

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[929] Office of Representative Chip Roy, press release on House passage of the SAVE America Act, February 11, 2026. https://roy.house.gov/media/press-releases/rep-roys-save-america-act-passes-house-representatives (accessed November 12, 2026).

[930] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[931] Louisiana v. Callais, 608 U.S. 85 (2026), preliminary print, Supreme Court of the United States, decided April 29, 2026. https://www.supremecourt.gov/opinions/25pdf/608us1r29_n648.pdf (accessed November 12, 2026).

[932] Supreme Court of the United States, Watson v. Republican National Committee, No. 24-1260 (June 29, 2026), slip opinion. https://www.supremecourt.gov/opinions/25pdf/24-1260_g3cn.pdf (accessed November 12, 2026).

[933] Supreme Court of the United States, Trump v. California, No. 26A124 (per curiam), August 24, 2026. https://www.supremecourt.gov/opinions/25pdf/26a124_hgci.pdf (accessed November 12, 2026).

[934] Jimmy Balser, "United States v. Benson: Sixth Circuit Denies Federal Demand for State Voter Registration List," Congressional Research Service Legal Sidebar LSB11456, July 14, 2026. https://www.everycrsreport.com/files/2026-07-14_LSB11456_ceba69dbf5b8b2fd346ab0d494cd1c8bddb23b5c.pdf (accessed November 12, 2026).

[935] Ryan Goodman and Siven Watt, "2026 Midterms: Election Integrity Litigation Tracker," Just Security, November 3, 2026 (continually updated). https://www.justsecurity.org/162830/2026-midterms-election-integrity-litigation-tracker/ (accessed November 12, 2026).

void" in June 2026.[936] Executive Order 14399 (2026) dealt with federal citizenship lists and Postal Service handling of mail ballots.[937] According to CRS, "Neither EO has been fully implemented," and the Supreme Court refused in September 2026 to let the Postal Service rule take effect for the 2026 elections.[938]

The Machines in Use

In 2024, ballot-marking devices made up 61.6 percent of the voting systems states reported, scanners 28.3 percent and direct-recording electronic machines with a paper trail 7.2 percent. More than 98 percent of jurisdictions used equipment that produced a paper ballot or paper record that can be checked by hand (Chapter 6).[939]

What Americans Say About Trust

Trust in elections depends a great deal on whose candidate won. Pew Research Center asked voters after the 2020 and 2024 elections whether elections across the country had been run well:

Group of voters	After 2020	After 2024
All voters	59%	88%
Biden voters (2020) / Harris voters (2024)	94%	84%
Trump voters	21%	93%

Source: Pew Research Center, December 4, 2024.[940]

The swing is striking. In 2020, only 21 percent of Trump voters said elections had been run well; in 2024, 93 percent did. Harris voters were less positive than Biden voters had been, but still mostly positive.[941]

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[936] Executive Order 14248, "Preserving and Protecting the Integrity of American Elections," 90 Fed. Reg. 14005, March 25, 2025. https://www.federalregister.gov/documents/2025/03/28/2025-05523/preserving-and-protecting-the-integrity-of-american-elections (accessed November 12, 2026). U.S. District Court for the District of Massachusetts, State of California v. Trump, No. 25-cv-10810-DJC, memorandum and order (Chief Judge Denise J. Casper), June 24, 2026. https://www.courthousenews.com/wp-content/uploads/2026/06/states-v-trump-elections-eo-ruling.pdf (accessed November 12, 2026).

[937] Executive Order 14399 of March 31, 2026, "Ensuring Citizenship Verification and Integrity in Federal Elections," 91 Fed. Reg. 17125 (published April 3, 2026). https://www.federalregister.gov/documents/2026/04/03/2026-06601/ensuring-citizenship-verification-and-integrity-in-federal-elections (accessed November 12, 2026).

[938] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[939] U.S. Election Assistance Commission, "Errata Note: 2024 EAVS Comprehensive Report," February 12, 2026. https://www.eac.gov/sites/default/files/2026-02/Errata_Note_2024_EAVS_v2.pdf (accessed November 12, 2026). U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026).

[940] Pew Research Center, "Voters' Evaluations of the 2024 Election Process," December 4, 2024. https://www.pewresearch.org/politics/2024/12/04/voters-evaluations-of-the-2024-election-process/ (accessed November 12, 2026).

Before the 2026 midterms, Pew surveyed 5,062 adults, including 3,917 registered voters, from September 28 to October 4, 2026.[942] It found:

Registered voters very or somewhat confident that...	All	Republican	Democratic
In-person votes will be counted as intended	79%	84%	81%
Mail and absentee votes will be counted as intended	53%	42%	64%
All legally qualified voters can vote if they want to	80%	90%	72%
Noncitizens who try to vote will be stopped	68%	45%	90%
People who intimidate voters will be stopped	67%	74%	61%
Election systems are free from hacking	52%	47%	60%

Source: Pew Research Center, October 20, 2026. Republican and Democratic columns mean supporters of each party's candidates as Pew defined them.[943]

Two things stand out. First, both sides trust in-person voting much more than mail voting, though Republicans are far more doubtful about mail ballots. Second, the two sides worry about different things: Republicans are more doubtful that noncitizens will be stopped, and Democrats are more doubtful that every qualified voter will be able to vote.[944]

The wording of a poll question matters. "Votes will be counted accurately," "the election was run well" and "every eligible voter can vote" measure different things, so be careful when you

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[941] Pew Research Center, "Voters' Evaluations of the 2024 Election Process," December 4, 2024. https://www.pewresearch.org/politics/2024/12/04/voters-evaluations-of-the-2024-election-process/ (accessed November 12, 2026).

[942] Hannah Hartig and Ted Van Green, "Broad Public Confidence in Elections in the U.S., but Partisans Differ Over Concerns About Access, Security," Pew Research Center, October 20, 2026. https://www.pewresearch.org/politics/2026/10/20/broad-public-confidence-in-elections-in-the-u-s-but-partisans-differ-over-concerns-about-access-security/ (accessed November 12, 2026).

[943] Hannah Hartig and Ted Van Green, "Broad Public Confidence in Elections in the U.S., but Partisans Differ Over Concerns About Access, Security," Pew Research Center, October 20, 2026. https://www.pewresearch.org/politics/2026/10/20/broad-public-confidence-in-elections-in-the-u-s-but-partisans-differ-over-concerns-about-access-security/ (accessed November 12, 2026).

[944] Hannah Hartig and Ted Van Green, "Broad Public Confidence in Elections in the U.S., but Partisans Differ Over Concerns About Access, Security," Pew Research Center, October 20, 2026. https://www.pewresearch.org/politics/2026/10/20/broad-public-confidence-in-elections-in-the-u-s-but-partisans-differ-over-concerns-about-access-security/ (accessed November 12, 2026).

compare numbers from different polls. Older polling on the Electoral College is in Chapter 9.[945] The sections below compare Gallup, Pew and AP-NORC polls (AP-NORC polls are run jointly by the Associated Press and NORC at the University of Chicago) question by question.

Comparing the Polls

As of November 12, 2026, I was able to open six recent national polls on trust in elections, from three polling organizations. The table below puts them side by side; note that the questions differ.

Public confidence in elections, selected polls (as of November 12, 2026)

Poll	Field dates	Who was asked	What was asked	Result
Gallup	Sept. 3-15, 2024	1,007 adults, by telephone	Confident votes for president will be "accurately cast and counted" across the country	57% very or somewhat confident; Democrats 84%, Republicans 28%
Gallup	Sept. 3-15, 2024	Same survey	Same question, about votes at your own polling place	76% very or somewhat confident
Pew Research Center	Nov. 12-17, 2024	9,609 adults; results shown for voters	Elections across the U.S. were "run and administered well"	88% of voters; Trump voters 93%, Harris voters 84%
Gallup, with the Kettering Foundation	Apr. 24-June 10, 2026	23,683 adults, online and by mail	Concern that ballots will be improperly handled, counted or secured	57% at least a fair amount of concern; Republicans 66%, Democrats 52%
Gallup	May 1-June 10, 2026	1,000 people age 15 and older, by telephone	Confidence in "the honesty of elections"	49% confident; Democrats 63%, Republicans 37%, independents 35%
Pew Research Center	Sept. 28-Oct. 4, 2026	3,917 registered voters	In-person votes will be "counted as voters intend"	79%; Republican backers 84%, Democratic backers 81%
Pew Research Center	Sept. 28-Oct. 4, 2026	3,917 registered voters	Mail and absentee votes will be "counted as voters intend"	53%; Republican backers 42%, Democratic backers 64%
AP-NORC	Oct. 8-12, 2026	1,119 adults, including 925 registered voters	Confidence in the accuracy of the vote	45% "a great deal" or "quite a bit"; Democrats 55%, Republicans 38%, independents 34%

[945] National Archives, Office of the Federal Register, "Electoral College History". https://www.archives.gov/electoral-college/history (accessed November 12, 2026).

Source: Gallup 2024 figures and methods.[946] Pew 2024.[947] Gallup and Kettering 2026.[948] Gallup, May-June 2026.[949] Pew 2026.[950] AP-NORC 2026.[951]

The AP-NORC poll of October 2026 used NORC's AmeriSpeak Panel, which picks its members at random, and the AP reported a margin of error of plus or minus 4.2 points for registered voters. The AP also reported that Democrats' confidence had fallen from 75 percent in 2022 to 55 percent, while Republicans' had risen from 26 percent to 38 percent.[952] [Not verified: I read the AP's report of this poll but could not open NORC's own topline, so I do not have the exact question text.]

Why the Wording Matters

You might ask, "How can 45 percent and 79 percent both be right in the same month?" The answer is that they measure different things. Here are four real examples from the polls above.

First, the subject of the question. Pew asked separately about in-person and mail ballots. The exact wording was, "How confident are you that votes cast in person at polling places across the United States will be counted as voters intend in the elections this November?" A second question was the same except for "votes cast by absentee or mail-in ballot." Each was asked of half the sample, 2,527 people.[953] Changing one phrase moved the answer from 79 percent to 53 percent among registered voters.

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[946] Lydia Saad, "Partisan Split on Election Integrity Gets Even Wider," Gallup, September 25, 2024. https://news.gallup.com/poll/651185/partisan-split-election-integrity-gets-even-wider.aspx (accessed November 12, 2026).

[947] Pew Research Center, "Voters' Evaluations of the 2024 Election Process," December 4, 2024. https://www.pewresearch.org/politics/2024/12/04/voters-evaluations-of-the-2024-election-process/ (accessed November 12, 2026). Pew Research Center, "2024 Election Methodology," American Trends Panel Wave 159, December 4, 2024. https://www.pewresearch.org/politics/2024/12/04/2024-election-methodology/ (accessed November 12, 2026).

[948] Ellyn Maese and Jeffrey M. Jones, "Election Concerns Run High Ahead of 2026 Midterms," Gallup, July 29, 2026. https://news.gallup.com/poll/712955/election-concerns-run-high-ahead-2026-midterms.aspx (accessed November 12, 2026).

[949] Benedict Vigers and Julie Ray, Gallup, report on U.S. confidence in the honesty of elections, October 7, 2026. https://news.gallup.com/poll/715205/trust-elections-breaks-global-pattern.aspx (accessed November 12, 2026).

[950] Hannah Hartig and Ted Van Green, "Broad Public Confidence in Elections in the U.S., but Partisans Differ Over Concerns About Access, Security," Pew Research Center, October 20, 2026. https://www.pewresearch.org/politics/2026/10/20/broad-public-confidence-in-elections-in-the-u-s-but-partisans-differ-over-concerns-about-access-security/ (accessed November 12, 2026).

[951] Ali Swenson and Linley Sanders, Associated Press, "Democrats' faith in election results is falling but still exceeds Republicans', AP-NORC poll finds," via Atlanta Journal-Constitution, October 21, 2026. https://www.ajc.com/news/2026/10/democrats-faith-in-election-results-is-falling-but-still-exceeds-republicans-ap-norc-poll-finds/ (accessed November 12, 2026).

[952] Ali Swenson and Linley Sanders, Associated Press, "Democrats' faith in election results is falling but still exceeds Republicans', AP-NORC poll finds," via Atlanta Journal-Constitution, October 21, 2026. https://www.ajc.com/news/2026/10/democrats-faith-in-election-results-is-falling-but-still-exceeds-republicans-ap-norc-poll-finds/ (accessed November 12, 2026).

[953] Pew Research Center, "Broad Public Confidence in Elections in the U.S., but Partisans Differ Over Concerns About Access, Security," report PDF with methodology and topline, American Trends Panel Wave 200, October 20, 2026, topline questions VTCOUNT_INP and VTCOUNT_ABS. https://www.pewresearch.org/wp-content/uploads/sites/20/2026/10/PP_2026.10.20_election-confidence_report.pdf (accessed November 12, 2026).

Second, how close to home the question is. In the same 2024 Gallup survey, 57 percent were confident in the count nationwide, but 76 percent were confident about their own polling place.[954]

Third, the answer scale. Pew and Gallup counted "very" plus "somewhat" confident. The AP reported AP-NORC's figure as the share with "a great deal" or "quite a bit" of confidence, which leaves out people who chose a lower level of confidence.[955] A stricter cutoff gives a lower number.

Fourth, who is counted. Pew's published topline covers all 5,062 adults, and there 76 percent were very or somewhat confident in the in-person count (31 percent very, 45 percent somewhat), compared with 79 percent among registered voters in Pew's report.[956] Pew put its margin of error at plus or minus 1.6 points for all adults and 1.8 points for registered voters.[957]

The lesson is simple. Compare a poll only with itself over time, using the same question. Gallup has asked its "accurately cast and counted" question since 2004, when 72 percent were confident; the share who were "not at all confident" rose from 6 percent in 2004 to 19 percent in 2024.[958] Pew has asked its in-person and mail questions before each election since 2020, which is how it could report that Democratic voters' confidence in mail ballots fell from 88 percent in 2022 to 64 percent in 2026.[959]

What Each Side Worries About

The polls agree on one pattern: the two parties fear different failures. In Gallup's 2026 survey with the Kettering Foundation, 78 percent of Republicans but 36 percent of Democrats were concerned about ineligible people casting ballots. Two-thirds of all adults, 67 percent, were concerned about political leaders pressuring election officials to change outcomes, including 77

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954 Lydia Saad, "Partisan Split on Election Integrity Gets Even Wider," Gallup, September 25, 2024. https://news.gallup.com/poll/651185/partisan-split-election-integrity-gets-even-wider.aspx (accessed November 12, 2026).

955 Ali Swenson and Linley Sanders, Associated Press, "Democrats' faith in election results is falling but still exceeds Republicans', AP-NORC poll finds," via Atlanta Journal-Constitution, October 21, 2026. https://www.ajc.com/news/2026/10/democrats-faith-in-election-results-is-falling-but-still-exceeds-republicans-ap-norc-poll-finds/ (accessed November 12, 2026).

956 Pew Research Center, "Broad Public Confidence in Elections in the U.S., but Partisans Differ Over Concerns About Access, Security," report PDF with methodology and topline, American Trends Panel Wave 200, October 20, 2026, topline question VTCOUNT_INP. https://www.pewresearch.org/wp-content/uploads/sites/20/2026/10/PP_2026.10.20_election-confidence_report.pdf (accessed November 12, 2026).

957 Pew Research Center, "Broad Public Confidence in Elections in the U.S., but Partisans Differ Over Concerns About Access, Security," report PDF with methodology and topline, American Trends Panel Wave 200, October 20, 2026, methodology. https://www.pewresearch.org/wp-content/uploads/sites/20/2026/10/PP_2026.10.20_election-confidence_report.pdf (accessed November 12, 2026).

958 Lydia Saad, "Partisan Split on Election Integrity Gets Even Wider," Gallup, September 25, 2024. https://news.gallup.com/poll/651185/partisan-split-election-integrity-gets-even-wider.aspx (accessed November 12, 2026).

959 Hannah Hartig and Ted Van Green, "Broad Public Confidence in Elections in the U.S., but Partisans Differ Over Concerns About Access, Security," Pew Research Center, October 20, 2026. https://www.pewresearch.org/politics/2026/10/20/broad-public-confidence-in-elections-in-the-u-s-but-partisans-differ-over-concerns-about-access-security/ (accessed November 12, 2026).

percent of Democrats and 56 percent of Republicans.[960] Gallup noted it had no trend data on those questions, so it could not say whether those concerns were higher than in past years.[961]

Trust also follows power. A separate Gallup survey, which compares the United States with other countries, found that in 2026, for the first time, Americans who disapproved of the country's leadership were more confident in the honesty of elections (52 percent) than those who approved (41 percent).[962]

What the States Did in 2026

As of November 12, 2026, most changes to election rules were coming from state legislatures, not Congress. The National Conference of State Legislatures (NCSL), a nonpartisan group that serves lawmakers in both parties, reported in July that "lawmakers across the country have introduced nearly 1,800 election-related bills and enacted at least 274."[963] Here are the main trends NCSL found:

Citizenship. Four states passed documentary proof-of-citizenship (DPOC) laws for registration in 2026, bringing the total to 13. Utah and South Dakota created a "federal only" list for voters who have not shown proof, so they can vote for federal offices but not state ones. Iowa, Kansas, Kentucky and Louisiana passed laws to compare their voter lists with the federal SAVE citizenship database.

Voter ID. NCSL tracked 15 voter ID bills enacted in 12 states. Starting in 2027, Louisiana voters without photo ID will cast a provisional ballot that counts only if they show ID within two days, making it the 11th state with what NCSL calls a strict photo ID law.

Mail voting. Connecticut passed a law to allow no-excuse absentee voting. NCSL counted 29 states offering it.

Voter lists. Lawmakers enacted 35 bills on list maintenance and access in 19 states, and Virginia voted to rejoin ERIC, the multistate data-sharing group (Chapter 12).

Federal agents near polls. Connecticut, New Mexico, Rhode Island and Virginia barred federal agents, including immigration agents, or armed troops from entering or being near polling places.

State voting rights acts. Maryland and New Jersey passed their own voting rights acts. NCSL wrote, "Historically, no more than one state has ever enacted a VRA in a single year."

Source for the list above.[964]

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[960] Ellyn Maese and Jeffrey M. Jones, "Election Concerns Run High Ahead of 2026 Midterms," Gallup, July 29, 2026. https://news.gallup.com/poll/712955/election-concerns-run-high-ahead-2026-midterms.aspx (accessed November 12, 2026).

[961] Ellyn Maese and Jeffrey M. Jones, "Election Concerns Run High Ahead of 2026 Midterms," Gallup, July 29, 2026. https://news.gallup.com/poll/712955/election-concerns-run-high-ahead-2026-midterms.aspx (accessed November 12, 2026).

[962] Benedict Vigers and Julie Ray, Gallup, report on U.S. confidence in the honesty of elections, October 7, 2026. https://news.gallup.com/poll/715205/trust-elections-breaks-global-pattern.aspx (accessed November 12, 2026).

[963] Katie King, Brenna Nelson and Camilla Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

[964] Katie King, Brenna Nelson and Camilla Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

States also kept preparing for 2028. At least four states, Connecticut, Maryland, Oregon and South Dakota, passed new or stronger faithless elector laws, and Wisconsin passed a bill to match its law to the Electoral Count Reform Act of 2022 (Chapter 8).[965]

The Federal Agencies in 2025 and 2026

CRS counts "More than 20 federal agencies" with roles in elections policy, and it notes that most of the recent changes came from executive orders and rules "rather than enactment of new legislation."[966] As of its September 2026 report, CRS listed these developments, several of which it described as "reportedly" true rather than confirmed:

The EAC and the Federal Election Commission (FEC) could not take certain policy actions because they lacked a quorum. "No EAC commissioners are currently in office," and only two FEC commissioners were serving.

CISA, the Cybersecurity and Infrastructure Security Agency, "reportedly began curtailing elections services to states in early 2025," and the Department of Homeland Security (DHS) tied some grant money to state citizenship checks of voter lists. Chapter 20 gives the details.

The Justice Department reportedly planned to send "approximately 1,000" staff to observe polling places in the general election, also covered in Chapter 20.

The Postal Service published a final rule on ballot mail on August 26, 2026, under Executive Order 14399, but the Supreme Court's September 14 order kept it from taking effect for 2026.

Source for the list above.[967]

CRS says these actions "have produced varying responses, ranging from support to opposition from Members of Congress and from elections officials," and it did not take a side.[968] Chapter 20 covers the court cases over these actions around the midterms.

What to Take From This Chapter

- Congress has not significantly changed federal election law since 2022; proof-of-citizenship bills passed the House but had not become law as of the cutoff.
- The Supreme Court decided three major election cases in 2026.
- Two executive orders on elections were largely blocked or not yet in effect.
- Trust in elections swings sharply depending on which side won, and the two parties worry about different risks.

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[965] Katie King, Brenna Nelson and Camilla Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026).

[966] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[967] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

[968] R. Sam Garrett, "Federal Role in Elections Policy: Selected Recent Developments," Congressional Research Service In Focus IF13316, September 21, 2026. https://www.everycrsreport.com/files/2026-09-21_IF13316_72952e0cece1d940b89200b8f79253d5adae353c.pdf (accessed November 12, 2026).

Chapter 23: The Reform Options

The information in this chapter is current as of November 12, 2026.

How to Compare Reforms

Every election reform is meant to fix a problem. A good first question is: which problem? A voter who misses a registration deadline has a different problem from an election office that cannot account for a batch of ballots. For any reform, it helps to ask:

- What failure is it meant to fix, and how often does that failure actually happen?
- What would the election office have to do differently, and what would it cost?
- How would a mistake be caught, and how could a voter fix it?
- What evidence exists from places that have already tried it?

A reform can improve one thing and make another harder. A rule can make results faster while giving voters less time to fix a problem with a mail ballot envelope. Those tradeoffs can be measured if the people proposing a rule say which records to collect.

The Main Proposals

The table below lists the main proposals discussed in this book. For each one, it shows what supporters say, what critics say, and where the evidence stands. The chapter numbers show where to read more.

Proposal	What supporters say	What critics say	What the evidence shows	Read more
Photo ID to vote	Deters impersonation and builds confidence	Burdens eligible voters who lack ID	Best national study finds no effect on turnout and no effect on fraud	Ch. 10
Documentary proof of citizenship to register	Keeps noncitizens off voter lists	Many citizens lack ready access to documents	Documented noncitizen registration is rare; 13 states have such laws, not all in effect	Ch. 12, 22
More mail voting	Convenience and higher turnout	Weaker security than in-person voting	Universal mail voting raised turnout about 2 points and did not help either party in studied states	Ch. 11
Election Day receipt deadline for mail ballots	Faster, final results	On-time ballots delayed in the mail would not	Supreme Court says states may choose either	Ch. 11

Proposal	What supporters say	What critics say	What the evidence shows	Read more
		count	rule	
Automatic voter registration	Keeps lists current and adds eligible voters	Risk of registering ineligible people	Accounted for 26.4 percent of 2024 registration transactions	Ch. 5
Stronger list maintenance and data sharing	Removes outdated names	Risk of removing eligible voters by mistake	Federal law sets notice-and-wait rules; ERIC membership is split	Ch. 12
Risk-limiting and other paper audits	Confirms outcomes with statistics	Cost and staff time	Used in only six states in 2024	Ch. 7
National popular vote	Every vote counts the same	Undermines the states' role; more recount fights	Compact needs 48 more electoral votes	Ch. 9
Keep the Electoral College	Protects the federal system	Popular vote loser can win	Five split results in U.S. history	Ch. 9

Each row summarizes sources already cited in the chapter shown.[969]

The SAVE Act Debate

The proof-of-citizenship bills are the clearest current example of how the two sides argue. Supporters in Congress say documentary proof is needed to make sure only citizens register, since the federal form relies on a sworn statement (Chapter 12).[970] The Brennan Center, a

[969] Justin Levitt, "The Truth About Voter Fraud," Brennan Center for Justice (progressive-leaning legal policy institute), 2007. https://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf (accessed November 12, 2026). Enrico Cantoni and Vincent Pons, "Strict ID Laws Don't Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018," Quarterly Journal of Economics 136, no. 4 (2021): 2615-2660; working paper version, National Bureau of Economic Research Working Paper 25522. https://www.nber.org/papers/w25522 (accessed November 12, 2026). King, Nelson and Rodriguez Guzman, "Voter Citizenship Bills Top Lawmaker To-Do Lists in 2026," National Conference of State Legislatures (NCSL), July 24, 2026. https://www.ncsl.org/resources/details/voter-citizenship-bills-top-lawmaker-to-do-lists-in-2026 (accessed November 12, 2026). Daniel M. Thompson, Jennifer A. Wu, Jesse Yoder and Andrew B. Hall, "Universal Vote-by-Mail Has No Impact on Partisan Turnout or Vote Share," Proceedings of the National Academy of Sciences 117, no. 25 (2020). https://www.pnas.org/doi/10.1073/pnas.2007249117 (accessed November 12, 2026). Supreme Court of the United States, Watson v. Republican National Committee, No. 24-1260 (June 29, 2026), slip opinion. https://www.supremecourt.gov/opinions/25pdf/24-1260_g3cn.pdf (accessed November 12, 2026). U.S. Election Assistance Commission, "U.S. Election Assistance Commission Releases 2024 Election Administration and Voting Survey (EAVS) Report," press release, June 30, 2025. https://eac.gov/news/2025/06/30/us-election-assistance-commission-releases-2024-election-administration-and-voting (accessed November 12, 2026). U.S. Election Assistance Commission (EAC), "Election Administration and Voting Survey 2024 Comprehensive Report," published June 2025. https://eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (accessed November 12, 2026). National Popular Vote (advocacy organization supporting the compact), "Status of National Popular Vote Bill in Each State". https://www.nationalpopularvote.com/state-status (accessed November 12, 2026). Congressional Research Service, "The National Popular Vote (NPV) Initiative: Direct Election of the President by Interstate Compact," Report R43823, updated October 28, 2019. https://www.everycrsreport.com/reports/R43823.html (accessed November 12, 2026). National Archives, Office of the Federal Register, "Electoral College: Frequently Asked Questions," last reviewed January 13, 2026. https://www.archives.gov/electoral-college/faq (accessed November 12, 2026).

[970] H.R. 22, Safeguard American Voter Eligibility Act (SAVE Act), 119th Congress, engrossed in House, April 10, 2025. https://www.congress.gov/bill/119th-congress/house-bill/22/all-info (accessed November 12, 2026). U.S. Election

progressive-leaning legal policy group, argues the bill "would block millions of American citizens from voting," and says more than 21 million voting-age citizens lack ready access to documents such as a passport or birth certificate.[971] To judge the bill, compare both sides' claims with the actual numbers: how many noncitizens are found on voter lists when states check (Chapter 12), and how many citizens would need help getting documents.

Here are the bill's backers in their own words. When the House passed H.R. 22 on April 10, 2025, its sponsor, Representative Chip Roy, said, "In order to preserve this republic, we must uphold what it means to be able to vote in a U.S. election."[972] When the House passed the SAVE America version in February 2026, Roy described its goal as "ensuring only U.S. citizens are voting in federal elections and are showing ID."[973]

Public opinion leans toward the idea. In an October 2024 Gallup poll of 1,023 adults, 83 percent favored requiring proof of citizenship when registering to vote for the first time.[974] Opponents answer that a popular goal does not settle the cost, which they measure in citizens who lack documents (the Brennan Center figure above). [Not verified: the League of Women Voters, a nonpartisan voter group that opposes the bill, posted statements on it, but its website blocked my requests, so I do not quote it.]

The evidence each side points to is in Part Seven: a handful of noncitizens found in state audits and motor vehicle errors (Claims 4 and 30), set against the burden on citizens without ready papers.

Who Backs the Other Options, in Their Own Words

As of November 12, 2026, these are the other reform ideas most often debated. For each, I give what the option does, who supports and opposes it in their own words where I could find them, and what the evidence shows.

Voter ID

NCSL counted 11 states with strict photo ID once Louisiana's new law takes effect in 2027 (Chapter 22). Supporters cite public opinion. Representative Roy said more than 80 percent of Americans, across party and racial lines, "support voter ID because it's simple, reasonable, and

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Assistance Commission, "National Mail Voter Registration Form". https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf (accessed November 12, 2026).

[971] Brennan Center for Justice (progressive-leaning legal policy institute), "House Passes New Version of the SAVE Act; Brennan Center Responds," February 11, 2026. https://www.brennancenter.org/our-work/analysis-opinion/house-passes-new-version-save-act-brennan-center-responds (accessed November 12, 2026).

[972] Office of Representative Chip Roy, "Rep. Roy Issues Statement on the Passage of the SAVE Act," April 10, 2025. https://roy.house.gov/media/press-releases/rep-roy-issues-statement-passage-save-act-0 (accessed November 12, 2026).

[973] Office of Representative Chip Roy, press release on House passage of the SAVE America Act, February 11, 2026. https://roy.house.gov/media/press-releases/rep-roys-save-america-act-passes-house-representatives (accessed November 12, 2026).

[974] Megan Brenan, "Americans Endorse Both Early Voting and Voter Verification," Gallup, October 24, 2024. https://news.gallup.com/poll/652523/americans-endorse-early-voting-voter-verification.aspx (accessed November 12, 2026).

common sense."[975] Gallup's October 2024 poll found 84 percent support for requiring photo ID to vote, and Democrats were 14 points more likely to support it than in 2022.[976]

The Brennan Center, a progressive-leaning legal policy group, says it "has long supported commonsense voter ID rules," but that "The problem comes when laws require forms of ID that many eligible Americans don't have." It says "more than 49 million American adults don't possess an unexpired driver's license with their current name and address."[977] The largest national study found no effect of strict ID laws on turnout or on fraud (Chapter 10).

Ranked-Choice Voting

In ranked-choice voting (RCV), voters rank candidates in order. If no one wins a majority of first choices, the last-place candidate is dropped and those ballots move to their next choice, until someone has a majority. NCSL says, "Alaska and Maine are the only states to use ranked choice voting for statewide elections," and it lists 19 states that prohibit RCV in all or some elections.[978]

FairVote, an advocacy group that promotes RCV, says "RCV yields election outcomes that better represent voter preferences" and that it "frees voters from worrying about how others will vote."[979] Alabama Governor Kay Ivey, a Republican, signed a ban in 2024, saying ranked-choice voting is "confusing to voters" and "limits their ability to directly elect the candidate of their choice."[980]

Voters themselves are split. In 2024, Alaska voted on a measure to repeal its system, and unofficial results showed it failing by 664 votes out of 340,110, or 50.1 percent to 49.9 percent.[981] [Not verified: I could not open the Alaska Division of Elections' certified result, and news reports gave slightly different final margins.]

Same-Day Registration

Same-day registration lets an eligible person register and vote at the same visit. NCSL says, "Twenty-four states and Washington, D.C., have implemented same-day or Election Day

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[975] Office of Representative Chip Roy, press release on House passage of the SAVE America Act, February 11, 2026. https://roy.house.gov/media/press-releases/rep-roys-save-america-act-passes-house-representatives (accessed November 12, 2026).

[976] Megan Brenan, "Americans Endorse Both Early Voting and Voter Verification," Gallup, October 24, 2024. https://news.gallup.com/poll/652523/americans-endorse-early-voting-voter-verification.aspx (accessed November 12, 2026).

[977] Brennan Center for Justice (progressive-leaning legal policy institute), "Voter ID" issue page. https://www.brennancenter.org/issues/ensure-every-american-can-vote/vote-suppression/voter-id (accessed November 12, 2026).

[978] National Conference of State Legislatures (NCSL), "Ranked Choice Voting" (updated March 23, 2026). https://www.ncsl.org/elections-and-campaigns/ranked-choice-voting (accessed November 12, 2026).

[979] FairVote (advocacy organization supporting ranked-choice voting), "Ranked Choice Voting." https://fairvote.org/our-reforms/ranked-choice-voting/ (accessed November 12, 2026).

[980] Office of the Governor of Alabama, "Governor Ivey Signs Senate Bill 186, Ensuring Confidence in Alabama Elections," May 10, 2024. https://governor.alabama.gov/newsroom/2024/05/governor-ivey-signs-senate-bill-186-ensuring-confidence-in-alabama-elections/ (accessed November 12, 2026).

[981] Eric Stone and Liz Ruskin, Alaska Public Media, report on the Ballot Measure 2 count, November 20, 2024. https://alaskapublic.org/elections/2024-11-20/alaskas-ranked-choice-repeal-measure-fails-by-664-votes (accessed November 12, 2026).

registration," and that "Proof of residency is a key requirement in all states that offer same-day registration."[982]

On evidence, NCSL reports that studies find same-day registration raises turnout, with estimates of roughly 3 to 7 percent, and that "studies reveal no conclusive evidence that same-day registration shapes partisan outcomes." The debate is real: Montana's legislature repealed Election Day registration in 2021, but courts blocked the repeal and ruled it unconstitutional, and Delaware's 2022 law creating it was struck down by that state's supreme court.[983] [Not verified: I looked for a current statement from a named opponent of same-day registration and could not open one; the Heritage Foundation, a conservative think tank that has criticized it, blocked my requests.]

Automatic Voter Registration

NCSL counts 24 states and the District of Columbia with automatic voter registration; the earliest laws, in Oregon and California, were enacted in 2015. People are registered when they deal with an agency such as the motor vehicle office unless they opt out, either on the spot or by answering a mailer later. Supporters say it "removes barriers to registration for eligible voters" and keeps lists current. Opponents argue the government should not register people without being asked and question whether a mailed notice is "sufficient to ensure an individual can decline to register." NCSL says the evidence that it raises turnout "is mixed."[984] The motor vehicle errors in Claim 30 are the kind of risk opponents point to.

Longer Early Voting and an Election Day Holiday

NCSL reports that 47 states offer early in-person voting and that "Early voting periods range in length from three to 46 days; the average is 20 days." Alabama, Mississippi and New Hampshire do not offer it.[985] Gallup found 76 percent of adults favored early voting in 2024, but Republican support, at 57 percent, was 38 points below Democrats'.[986]

A different idea is to make Election Day a federal holiday. H.R. 154, the Election Day Act, introduced January 3, 2025, by Representative Brian Fitzpatrick, a Pennsylvania Republican, for himself and Representative Debbie Dingell, a Michigan Democrat, would add "Election Day" to the list of federal holidays.[987] When the two introduced an earlier version in 2023, Fitzpatrick said, "There is no institution more fundamental to our democracy than our elections," and

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[982] National Conference of State Legislatures (NCSL), "Same-Day Voter Registration" (updated November 11, 2026). https://www.ncsl.org/elections-and-campaigns/same-day-voter-registration (accessed November 12, 2026).

[983] National Conference of State Legislatures (NCSL), "Same-Day Voter Registration" (updated November 11, 2026). https://www.ncsl.org/elections-and-campaigns/same-day-voter-registration (accessed November 12, 2026).

[984] National Conference of State Legislatures (NCSL), "Automatic Voter Registration" (updated August 19, 2026). https://www.ncsl.org/elections-and-campaigns/automatic-voter-registration (accessed November 12, 2026).

[985] National Conference of State Legislatures (NCSL), "Early In-Person Voting" (updated August 11, 2026). https://www.ncsl.org/elections-and-campaigns/early-in-person-voting (accessed November 12, 2026).

[986] Megan Brenan, "Americans Endorse Both Early Voting and Voter Verification," Gallup, October 24, 2024. https://news.gallup.com/poll/652523/americans-endorse-early-voting-voter-verification.aspx (accessed November 12, 2026).

[987] H.R. 154, Election Day Act, 119th Congress, introduced in House January 3, 2025, text via govinfo.gov. https://www.govinfo.gov/content/pkg/BILLS-119hr154ih/html/BILLS-119hr154ih.htm (accessed November 12, 2026).

Dingell said "too many Americans still face obstacles" to voting.[988] [Not verified: I did not find a published statement from a named opponent of the holiday bill, or any study of its effects.]

Paper Ballots and Hand Counts

Almost every jurisdiction already uses paper ballots or a paper record (Chapter 6). The debate now is whether people should count every ballot by hand instead of using scanners. In 2022, Nye County, Nevada, began a hand count after what the AP described as "complaints by residents echoing nearly two years of conspiracy theories about voting machines," and the Nevada Supreme Court said the county's process at the time was illegal, though it stopped short of ordering a halt.[989] [Not verified: I did not find a published statement in which a named supporter of full hand counts explains the case in their own words.]

The Bipartisan Policy Center, a research group that works with both parties, says "Hand counting is time and resource intensive, often relying on bipartisan teams to count each ballot multiple times," and recommends pairing scanners with audits of the paper ballots.[990] Audits that hand-count a sample are covered in Chapter 7.

Redistricting Commissions

Some states take the job of drawing district maps away from the legislature. NCSL says "Ten states have a commission with primary responsibility for drawing a plan for congressional districts": Arizona, California, Colorado, Hawaii, Idaho, Michigan, Montana, New Jersey, Virginia and Washington. NCSL does not call them "independent," and it warns that "Reformers often mistakenly assume that commissions will be less partisan than legislatures," because that "depends largely on the design of the board or commission."[991]

The trend recently ran the other way. NCSL reports that California voters in November 2025 chose "a temporary return to legislatively controlled redistricting" until 2030, and that Virginia voters in April 2026 gave their legislature temporary power to draw congressional maps before the midterms.[992]

Restoring Preclearance

Chapter 4 explained how Shelby County v. Holder ended the formula that required some states to get federal approval, called preclearance, before changing voting rules. The John R. Lewis

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[988] PoliticsPA, report on the introduction of the Election Day Act, November 7, 2023. https://politicspa.com/fitzpatrick-introduces-legislation-to-designate-election-day-a-federal-holiday/127566 (accessed November 12, 2026).

[989] Associated Press, "Hand vote count on hold after Nevada Supreme Court calls it illegal," via NBC News, October 28, 2022. https://www.nbcnews.com/politics/2022-election/hand-vote-count-hold-nevada-supreme-court-calls-illegal-rcna54502 (accessed November 12, 2026).

[990] Bipartisan Policy Center, "Statement from BPC Task Force on Elections: Ballot Tabulators Are Essential to Election Integrity," April 25, 2022. https://bipartisanpolicy.org/press-release/statement-from-bpc-task-force-on-elections-ballot-tabulators-are-essential-to-election-integrity (accessed November 12, 2026).

[991] National Conference of State Legislatures (NCSL), "Redistricting Commissions: Congressional Plans" (updated August 29, 2025). https://www.ncsl.org/redistricting-and-census/redistricting-commissions-congressional-plans (accessed November 12, 2026).

[992] Helen Brewer, "Voters Return Redistricting Authority to Legislatures," National Conference of State Legislatures (NCSL), April 22, 2026. https://www.ncsl.org/state-legislatures-news/details/voters-return-redistricting-authority-to-legislatures (accessed November 12, 2026).

Voting Rights Advancement Act would bring it back. Senate Democrats led by Dick Durbin and Raphael Warnock reintroduced it on July 29, 2025. Durbin said, "There is no freedom more fundamental than the right to vote."[993] The American Civil Liberties Union, a progressive-leaning civil liberties group, says the bill would "re-establish preclearance, the federal government's authority to review and block discriminatory changes to voting laws."[994]

Opponents object to the federal role. On November 3, 2021, the day the Senate debated an earlier version of the bill, Republican leader Mitch McConnell said, "Americans don't need Attorney General Garland ruling over their states' and their counties' elections any more than they need congressional Democrats doing it themselves," and "Nationalizing our elections is just a multi-decade Democratic Party goal in constant search of a justification."[995] As of the cutoff, the bill had not become law, and the Louisiana v. Callais ruling of 2026 had narrowed the Voting Rights Act further (Chapter 4).

List Maintenance and ERIC

ERIC says its mission is "to help states improve the accuracy of America's voter rolls, increase access to voter registration for all eligible citizens, reduce election costs, and increase efficiencies in elections," and it lists 27 states and the District of Columbia as members.[996] By March 2023, at least five states had left the group, three of them that month, while Virginia voted in 2026 to rejoin (Chapter 12 and Chapter 22).[997]

Protecting Election Officials

NCSL reports that "Thirty-five states have criminalized intimidation and/or interference with election workers." Ten states let election workers keep their addresses and other personal information confidential, and six make it a crime to publish election officials' personal information online.[998] [Not verified: I did not find a published argument against these laws from a named group, so I describe only what they do.]

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[993] Office of Senator Dick Durbin, press release on the reintroduction of the John R. Lewis Voting Rights Advancement Act, July 29, 2025. https://www.durbin.senate.gov/newsroom/press-releases/durbin-warnock-reintroduce-john-r-lewis-voting-rights-advancement-act (accessed November 12, 2026).

[994] American Civil Liberties Union (progressive-leaning civil liberties group), press release on the Senate reintroduction of the John Lewis Voting Rights Advancement Act, July 29, 2025. https://www.aclu.org/press-releases/aclu-stresses-need-for-federal-voting-rights-protections-amid-senate-reintroduction-of-john-lewis-voting-rights-advancement-act (accessed November 12, 2026).

[995] Senate Republican Leader Mitch McConnell, "Hours After Losing at the Polls, Democrats Again Try a Washington Takeover of Voting Laws," floor remarks, November 3, 2021. https://www.republicanleader.senate.gov/?p=10127 (accessed November 12, 2026). Congressional Record, Vol. 167, No. 193 (November 3, 2021), Senate, pages S7687-S7688, "John R. Lewis Voting Rights Advancement Act." https://www.govinfo.gov/content/pkg/CREC-2021-11-03/html/CREC-2021-11-03-pt1-PgS7687-7.htm (accessed November 12, 2026).

[996] Electronic Registration Information Center (ERIC), "About ERIC" and member list. https://ericstates.org/ (accessed November 12, 2026).

[997] Carrie Levine, Votebeat, report on states leaving ERIC, March 13, 2023. https://votebeat.org/2023/3/13/23634072/eric-election-integrity-activists-clean-voter-rolls (accessed November 12, 2026).

[998] National Conference of State Legislatures (NCSL), "State Laws Providing Protection for Election Officials and Staff" (updated July 16, 2025). https://www.ncsl.org/elections-and-campaigns/state-laws-providing-protection-for-election-officials-and-staff (accessed November 12, 2026).

A National Popular Vote

Chapter 9 gives both sides of this debate. The newest numbers: the compact's backers say it has been enacted in 19 jurisdictions with 222 electoral votes and needs 48 more to take effect.[999] In Gallup's September 2024 poll of 1,007 adults, 58 percent favored amending the Constitution so the popular vote decides the president, with Democrats at 82 percent and Republicans at 32 percent.[1000]

Why I Do Not Recommend

This book is meant to give you the record, not to tell you what to think about it. Reasonable people who accept the same facts still disagree about these choices, because they weigh access, security, speed and cost differently. The questions at the start of this chapter are the ones I would ask about any proposal, whoever makes it.

When someone tells you an election was wrong, the same questions work: Which contest? Which records? What did the officials, auditors or judges find? What changed after their finding? You can ask those questions whoever won and whoever is making the claim.

What to Take From This Chapter

- Every reform involves tradeoffs between access, security, speed and cost.
- For several popular proposals, the evidence is thinner or more mixed than either side usually admits.
- The best test for any proposal, and any claim, is what the records show.

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[999] National Popular Vote (advocacy organization supporting the compact), "One Plausible Path to Getting the Additional 48 Electoral Votes Needed to Activate the National Popular Vote Compact." https://www.nationalpopularvote.com/state-status (accessed November 12, 2026).

[1000] Jeffrey M. Jones, "Americans Still Favor Replacing Electoral College System," Gallup, September 27, 2024. https://news.gallup.com/poll/651353/americans-favor-replacing-electoral-college-system.aspx (accessed November 12, 2026).

Appendix A: Timeline

Each entry is sourced in the chapter shown. Dates are taken from those sources.

Year	Event	Chapter
1787	Constitution leaves voter qualifications to the states	1
1788	Hamilton defends the Electoral College in The Federalist No. 68	8
1800	Jefferson and Burr tie in the Electoral College; the House decides	8
1804	12th Amendment ratified	8
1807	New Jersey limits voting to free white men	1
1824	House of Representatives chooses John Quincy Adams	9
1848	Seneca Falls Convention	3
1869	Wyoming Territory gives women the vote	3
1870	15th Amendment ratified	1
1876-1877	Disputed Hayes-Tilden election; Electoral Commission	14
1887	Electoral Count Act	8
1888	Harrison wins the Electoral College while losing the popular vote	9
1915	Guinn v. United States strikes down a grandfather clause	2
1920	19th Amendment ratified	3
1924	Indian Citizenship Act	3
1944	Smith v. Allwright ends the white primary	2
1948	Federal court strikes down New Mexico bar on Native American voting	3
1960	Kennedy-Nixon election	15
1961	23rd Amendment ratified	3
1964	24th Amendment ratified	2
1965	Voting Rights Act signed	2
1966	Harper v. Virginia ends poll	2

Year	Event	Chapter
	taxes in state elections	
1971	26th Amendment ratified	3
1975	Language minority protections added to the Voting Rights Act	3
1982	Section 2 amended to allow proof by results	4
1993	National Voter Registration Act	5
2000	Bush v. Gore	16
2002	Help America Vote Act	5
2004	Ohio dispute; objection in Congress on January 6, 2005	17
2006	Voting Rights Act renewed	4
2013	Shelby County v. Holder	4
2016	Russian interference; Electoral College and popular vote split	18
2017	Election systems designated critical infrastructure	5
2020	Pandemic election; lawsuits, recounts and audits	19
2021	January 6; Brnovich v. DNC	19, 4
2022	Electoral Count Reform Act	8
2023	Allen v. Milligan	4
2024	Presidential election	20
2025	Executive Order 14248 on elections	11, 22
2026	Executive Order 14399; Louisiana v. Callais; Watson v. RNC; midterm elections	4, 11, 20, 22

Appendix B: Glossary

Absentee ballot. A ballot cast without going to a polling place, usually by mail. Some states use "absentee" and "mail ballot" to mean the same thing.

Audit (post-election). A check that compares a sample of paper ballots with the machine count.

Automatic voter registration (AVR). A system that registers eligible people when they deal with certain state agencies, unless they decline.

Ballot-marking device (BMD). A machine that lets a voter make choices on a screen and then prints a paper ballot to be scanned and kept.

Canvass. The official review and tally of all ballots after an election.

Certification. The official declaration that the canvassed results are final.

Chain of custody. The written record of who handled ballots and equipment, and when.

Confirmation notice. A notice a state sends when it has reason to think a voter moved. It starts a legal process that can end with removal if the voter does not respond and does not vote through two federal general elections.

Direct-recording electronic machine (DRE). A machine that records votes electronically. Some print a paper record the voter can check, called a voter-verified paper audit trail (VVPAT).

Elections Clause. Article I, Section 4 of the Constitution, which lets states set the rules for congressional elections and lets Congress change them.

Elector. A person chosen to cast one of a state's votes for president and vice president in the Electoral College.

Faithless elector. An elector who votes for someone other than the candidate they were pledged to.

Gerrymander. Drawing district lines to favor one party or group.

List maintenance. The work of keeping voter lists accurate, including removing people who have died or moved.

Logic and accuracy testing. Testing voting machines before an election with ballots marked in a known way.

Majority-minority district. A district in which members of a racial or language minority group make up a majority of voters.

Preclearance. The rule under Section 5 of the Voting Rights Act that required certain places to get federal approval before changing voting rules. It stopped operating after Shelby County v. Holder in 2013.

Provisional ballot. A ballot cast by a voter whose eligibility is in question. It is counted only if officials later confirm the person was eligible.

Reconciliation. Matching the number of voters who signed in with the number of ballots cast, unused and spoiled.

Recount. Counting ballots again, usually because a race is very close or a candidate asks.

Risk-limiting audit (RLA). An audit that uses statistics to decide how many ballots to check, and grows until it confirms the outcome or reaches a full hand count.

UOCAVA. The Uniformed and Overseas Citizens Absentee Voting Act, the federal law that protects voting by military members and citizens living overseas.

Winner-take-all. The method most states use to give all of their electors to the candidate who wins the state's popular vote.

Appendix C: How to Look Up Your Own State's Rules

Rules change often, and they differ from state to state and sometimes county to county. The safest source is always your own election office. Here is how to find what you need.

1. **Start with the official federal portal.** The federal government's voting site, vote.gov, links to each state's official registration and voting pages.[1001]
2. **Go to your state election office.** In most states that is the secretary of state's office. The Election Assistance Commission keeps a directory of state election offices.[1002]
3. **Find your county or city election office.** Your state's site will list it. This is the office that runs your polling place, mails your ballot and counts your vote.
4. **Check these items before each election:**
   - The registration deadline, and whether you can register on Election Day.
   - What identification, if any, you need to bring.
   - Whether you can vote by mail, how to request a ballot, and the deadline for it to arrive.
   - Early voting dates and locations.
   - How to check whether your registration is active and your mail ballot was received.
5. **Be careful with other sources.** Advocacy groups, campaigns and news stories can be helpful, but they can also be out of date or slanted. When in doubt, confirm with the election office.
6. **If something seems wrong**, call your local election office first. Most problems, such as a missing registration, can be solved before Election Day. If you are turned away at the polls, ask for a provisional ballot.

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