



Introduction

Center for Election Confidence, Inc. (“CEC”) is a non-profit organization recognized as a key “civil society group”¹ that promotes ethics, integrity, and professionalism in the electoral process. CEC works to ensure that all citizens can vote freely within an election system of reasonable procedures that promote election integrity, prevent vote dilution and disenfranchisement, and instill public confidence in election systems and outcomes.

CEC submits these comments to the U.S. Election Assistance Commission (“EAC”) in response to its January 12, 2026, Notice and Request for Comment, *Agency Information Collection Activities; Proposals, Submissions, and Approvals; 2026 Election Administration and Voting Survey*, Dkt. no. EAC-2026-0001-0001, 91 FR 7.

CEC’s interest in the 2026 Election Administration and Voting Survey (EAVS) relates directly to the organization’s purpose of “advancing the role of ethics, integrity, and legal professionalism in the electoral process, including safeguarding the right of eligible voters to vote” by undertaking efforts that “increas[e] confidence in election results and election systems”.²

I. USPS Postmark Regulatory Change

CEC encourages the EAC to include in the 2026 EAVS questions relating to voting by mail statutes, policies and practices, including with respect to postmarking, to transmission and receipt deadlines, and to timely acceptance. This exercise of EAC’s clearinghouse responsibilities in light of unpredictable externalities would serve as a singular example of the importance of the EAVS and the information it collects to the sharing of information between the States and the subsequent “laboratory” testing and development of sound policy.³

On December 24, 2025, a new United States Postal Service (“USPS”) regulation (“2025 Rule”) went into effect that changed how and when the postal service applied postmarks to all relevant mail, including Election Mail.⁴ DMM 608.11. While the 2025 Rule was unwelcome, it was not a surprise but rather the continuation of a process long in motion at USPS to eschew its civil society responsibilities. For example, in 2022, the *Postal Bulletin* instructed that

Postal Service policy is for ***every completed ballot mailed by voters to receive a postmark***, and we instruct our employees throughout the country to adhere to that policy on return ballots. However, we acknowledge that there will always be rare occurrences where a mailpiece does not receive a legible postmark.⁵

Yet, by 2024, the language had changed significantly, and suddenly a new “long-standing policy” appeared:

It has been the long-standing policy of the Postal Service ***to try to ensure that every completed ballot mailed by voters receives a postmark***, whether the return ballot is mailed with postage pre-paid by election officials or with a stamp affixed by the

¹ Elena Patel, Brookings Institute (Dec. 30, 2025), <https://www.brookings.edu/articles/when-a-postmark-no-longer-tracks-mailing/>.

² *About CEC*, Center for Election Confidence, <https://electionconfidence.org/about/>.

³ See *New State Ice v. Liebmann*, 285 U.S. 262 (1932) (Brandeis, J., dissenting) (“It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory”).

⁴ Elena Patel, *When a postmark no longer tracks mailing*, Brookings Institute (Dec. 30, 2025), <https://www.brookings.edu/articles/when-a-postmark-no-longer-tracks-mailing/>.

⁵ United States Postal Service, *Postal Bulletin* 22596 5 (April 21, 2022) (emphases added).

voter. We instruct our employees throughout the country to adhere to that policy on return ballots. However, we acknowledge that there will always be rare occurrences where a mailpiece does not receive a legible postmark.⁶

Identifying what was to come, CEC submitted comments urging the USPS to abandon its plans for the 2025 Rule⁷ and

to preserve consistent postmarking practices for ballots and other time-sensitive mail, emphasizing that postmarks have long served as a trusted marker of whether voters met statutory deadlines. The organization warned that changes to postmarking practices would introduce uncertainty into election administration in jurisdictions that rely on postmarks to determine whether a ballot was timely cast.⁸

By the end of 2025, the use of postmarks as indicia of timely mailing for *any* process—not just voting by mail—was under serious strain. Meanwhile, the USPS demands that state legislatures amend election laws every session to account for the continued degradation of the postal system, including declining delivery standards⁹ and the 2025 Rule’s changes to postmarking requirements. Of course, all rational, good faith actors know that this demand is neither reasonable nor sustainable.

Indeed, election officials and voters are not the only classes of USPS users affected by these changes. But elections officials are better positioned than most to continue to adapt to these external variables because of the EAVS and the information it collects for the EAC’s clearinghouse.

II. Cybersecurity Protections

CEC encourages the EAC to include in the 2026 EAVS a suite of questions relating to cybersecurity planning, preparedness, and resources. Cybersecurity concerns are not new or novel, but the dangers of ransomware, data exfiltration or manipulation, and/or privilege escalation with respect to Internet-connected (non-voting) equipment continue to grow.

Cybersecurity incidents, in particular, have the power to cause voter distrust, panic, and confusion concerning the trustworthiness of the election process, including registration, voting, tabulating, certification, and any post-election legal process to confirm results.

⁶ United States Postal Service, Postal Bulletin 22642 6 (January 25, 2024) (emphases added).

⁷ *Comments before the United States Postal Service re: Proposed Rule 2025-15266 (90 FR 38716)*, Center for Election Confidence (Sept. 10, 2025), available at <https://electionconfidence.org/wp-content/uploads/2025/09/Comment-to-USPS-Proposed-Rule-on-39-CFR-Part-111-09.10.25.pdf>.

⁸ See *supra* n. 4.

⁹ Michelle D. Christensen, *USPS Changes Postal Service Standards*, no. IN11776, Cong. Rsch. Svc. (Oct. 14, 2021) (highlighting decrease in USPS delivery service standards for First Class Mail from 1-3 days before September 30, 2021, and 1-5 days effective October 1, 2021. The Christensen article also cites a 2012 USPS Final Rule (77 FR 102) that ended overnight First Class Mail delivery and handling and drastically reduced the likelihood that other First Class Mail would be processed within two business days, both of which had previously been the norm for mailpieces sent within USPS intra-Sectional Center Facilities or between locations within 12 hours’ driving distance, respectively.

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While any cybersecurity questions included in the 2026 EAVS must be crafted carefully in order to protect sensitive information, it is equally as important that both State officials and Congress have access to quality, trustworthy information with respect to the current status of these important defenses against bad actors, especially in light of recent changes to resource availability.

III. List Maintenance

Federal law requires regular maintenance of voter registration lists and public disclosure of such activities.¹⁰ However, the public availability of information concerning State list maintenance efforts remains inconsistent and irregular.

In addition to the questions proposed to be included as A10-A12, CEC encourages the EAC to include in the 2026 EAVS questions concerning state list maintenance efforts, including with respect to the total number of the following:¹¹

- (1) Registrants who were inactive according to the criteria described in subsection (d)(1)(b), Section 8 of the National Voter Registration Act;
- (2) Registrants who voted in at least one of the prior two consecutive general elections for Federal office;
- (3) Registrants removed from the list of official voters in the State pursuant to subsection (d)(1)(b), Section 8 of the National Voter Registration Act; and
- (4) Registrants who received a notice sent pursuant to subsection (d)(2), Section 8 of the National Voter Registration Act and responded.

Further, the EAC should include questions requesting information concerning the use of federal databases (identifying each database) and the inter-state exchange of voter registration information (listing each other state with which the responding state shares data, and what specific categories of information are exchanged), each for list maintenance activities.

The collection of this information would benefit State officials, Congress, and the public. State officials and Congress would benefit by virtue of quality, trustworthy information relevant for inter-governmental advocacy or legislative activity. The public would benefit by virtue of public disclosure in single, identified repository of NVRA-mandated information.

Conclusion

The Center for Election Confidence urges the EAC to include these suggested items in the 2026 Election Administration and Voting Survey.

Respectfully submitted this 16th day of March 2026,

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¹⁰ See, generally, National Voter Registration Act of 1993, 103 P.L. 31, 107 Stat. 77, *codified at* 52 U.S. §§ 20501-20511.

¹¹ See U.S. Rep. Rodney Davis, American Confidence in Elections (ACE) Act, H.R. 8528, 117th Cong. (2022) (includes U.S. Rep. Gary Palmer, H.R. 8221, 117th Cong. (2022)).

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