



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 April 23, 2026, Notice and Request for Comment, *Agency Information Collection Activities: 2026 Election Administration and Voting Survey*, Dkt. no. EAC-2026-0166, 91 FR 21802.

CEC’s interest in the 2026 Election Administration and Voting Survey (EAVS)² 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”. CEC encourages the EAC to adopt the suggestions described below and to examine the entire EAVS to analyze the overall burden imposed on state officials as compared to the utility of the information requested, as well as the availability of such information outside of the EAVS.

I. List Maintenance

CEC thanks the EAC for including with the updated draft EAVS materials released for this second comment period questions concerning the sources of information states use for inter-state exchange of voter registration information, which CEC suggested in its March 16, 2026, initial comments. While federal law requires regular maintenance of voter registration lists and public disclosure of such activities,³ the public availability of information concerning State list maintenance efforts remains inconsistent and irregular. To that end, CEC renews and supplements its initial comments concerning list maintenance to the extent they were not incorporated in the updated draft EAVS materials.

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:⁴

- (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 of any status 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;

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

² For the sake of convenience, CEC refers both to the Election Administration and Voting Survey and the Election Administration Policy Survey jointly and severally as “EAVS”. CEC recommends the EAC exercise best judgment when determining the appropriate instrument with which to include CEC’s suggestions.

³ See, generally, National Voter Registration Act of 1993, 103 P.L. 31, 107 Stat. 77, *codified at* 52 U.S. §§ 20501-20511.

⁴ 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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- (4) Registrants who received a notice sent pursuant to subsection (d)(2), Section 8 of the National Voter Registration Act and responded (a) to confirm their registration without updating address information; (b) to update their registration with new in-state address information; or (c) with new address information showing that the registrant moved out of state;
- (5) Registrants who did not respond to notice sent pursuant to subsection (d)(2), Section 8 of the National Voter Registration Act;
- (6) Registrants who provided their driver's license number with their voter registration application pursuant to 52 U.S.C. § 21083(a)(5)(A)(i);
- (7) Registrants who provided the last-four digits of their Social Security number pursuant to 52 U.S.C. § 21083(a)(5)(A)(i);
- (8) In states that require registrants to provide their full Social Security number pursuant to an applicable Privacy Act exemption or other relevant law, registrants who provided their full Social Security number; and
- (9) Registrants who provided neither their driver's license number nor the last-four digits of their Social Security number pursuant to 52 U.S.C. § 21083(a)(5)(A)(i) (or, as applicable, did not provide their full Social Security number in states permitted to require such full number when such individual has been assigned a Social Security number).

Further, the EAC should include questions requesting information concerning:

- (1) The use of state databases (identifying each database) for list maintenance activities;
- (2) The use of federal databases (identifying each database) for list maintenance activities;
- (3) With respect to unique applications for registration:
 - a. The total number of federal database inquiries;
 - b. The total number of federal database responses indicating a registrant's status as a non-citizen;
 - c. The total number of federal database responses indicating a registrant's status as a U.S. citizen; and
 - d. The total number of federal database responses indicating no match was found.

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, for legislative activity, or for oversight concerning the usefulness and efficacy of or the overall benefit versus risk for any given database. The public would benefit by virtue of public disclosure in single, identified repository of NVRA-mandated information.

II. USPS Postmark Regulatory Change

Following its initial comments submitted on March 16, 2026, and the EAC's subsequent update of draft EAVS materials released for this second comment period, CEC supplements and renews its suggestion that the EAC 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.⁵

⁵ 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").

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.⁶ 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.⁷

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 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.⁸

Identifying what was to come, CEC submitted comments urging the USPS to abandon its plans for the 2025 Rule⁹ 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.¹⁰

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 standards¹¹ 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.

⁶ 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/>.

⁷ United States Postal Service, *Postal Bulletin* 22596 5 (April 21, 2022) (emphases added).

⁸ United States Postal Service, *Postal Bulletin* 22642 6 (January 25, 2024) (emphases added).

⁹ *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>.

¹⁰ See *supra* n. 4.

¹¹ 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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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.

Finally, to the extent the information has been or may be collected by election officials, CEC encourages the EAC to include questions concerning approximate transmission timelines for ballots sent by mail and for ballots returned by mail.

III. Cybersecurity Protections

Following its initial comments submitted on March 16, 2026, and the EAC's release of updated draft EAVS materials for this second comment period, CEC renews its suggestion that the EAC include in the 2026 EAVS 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.

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.

Conclusion

The Center for Election Confidence urges the EAC to include these suggested items in the 2026 Election Administration and Voting Survey, keeping in mind the overall burden imposed on state officials by EAVS as a whole when compared to the utility of the information requested, as well as the availability of such information outside of the EAVS.

Respectfully submitted this 25th day of May 2026,

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