Testimony Before the United States House of Representatives
Committee on House Administration

Hearing on "Make Elections Great Again:
How to Restore Trust and Integrity in Federal Elections."
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Good morning, Chairman and Ranking Member.

I appreciate the opportunity to provide testimony regarding the essential need to restore trust and integrity in federal elections.

My name is Russell Nobile. I am a Senior Attorney at Judicial Watch Inc. and part of its election integrity group. Currently, I am leading a team of Judicial Watch attorneys in several challenges to state laws permitting the counting of ballots received days—sometimes weeks—after Election Day. The U.S. Supreme Court granted certiorari in two of these cases during its October 2025 term. We represent the Libertarian Party of Mississippi in a consolidated action, challenging Mississippi's law allowing ballots to be counted if received five business days after Election Day.[1] The Court will hear arguments in this case on March 23, 2026. If successful, this case will greatly improve public trust in federal elections.

In addition to our work in Mississippi, Judicial Watch recently achieved a significant victory in Illinois.[2] By a vote of 7-2, the Court reversed a string of lower court rulings that had wrongly dismissed a challenge to Illinois' receipt deadline brought by our client, Congressman Mike Bost.

[1] *Watson v. RNC, et al.*, No. 24-1260.
[2] *Bost et al. v. Ill. State Bd. of Elect.*, No. 24-568.

Along with my Judicial Watch colleagues, I enforce the list maintenance provisions of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. § 20507.[3] As discussed below, we have active list maintenance lawsuits pending against Oregon, California, and Illinois.

I have been practicing as a litigator for 22 years. I have specialized knowledge and expertise in voting and election integrity. My work frequently involves the development and presentation of investigative findings concerning violations of state and federal law. My practice today primarily focuses on election integrity, civil rights, constitutional law, public access to government records, and matters involving official misconduct. I have litigated election and civil rights matters in federal courts across multiple circuits and have testified before the U.S. House and Senate Judiciary Committees, as well as other congressional committees.

Previously, I served as a Trial Attorney in the Civil Rights Division of the U.S. Department of Justice, where my responsibilities included enforcing all provisions of the Voting Rights Act of 1965 ("VRA"), NVRA, and the Uniformed and Overseas Citizens Absentee Voting Act of 1986 ("UOCAVA"), codified at 52 U.S.C. §§ 20301 to 20311, as amended by the Military and Overseas Voter Empowerment Act of 2009 ("MOVE Act"), Pub. L. No. 111-84, Subtitle H, §§ 575–589, 123 Stat. 2190, 2318–2335.

During my tenure at the Department, I represented the United States in numerous voting rights investigations, litigation, and settlements across dozens of jurisdictions. I was, at times, the primary attorney assigned to monitor Section 5 compliance in some covered jurisdictions. I received commendations and awards from both Republican and Democratic administrations during my service at the Department.

[3] In particular, my colleagues Robert Popper and Eric Lee work on all of Judicial Watch's election integrity projects.

Some of my work at the Department included a 2008 case against Waller County, Texas, which addressed the county handling of voter registration applications from students at Prairie View A & M University, a historically Black university.[4] In 2011, I was part of the trial team representing the United States in the Section 5 litigation initiated by Texas concerning its 2010 redistricting.[5] In 2012, I was a member of the Department of Justice team that brought the first UOCAVA enforcement action after the 2009 MOVE Act amendments.[6]

I formerly served as a member of the U.S. Election Assistance Commission's Board of Advisors. I am licensed to practice law in both Mississippi and Louisiana.

Judicial Watch, Inc.

Judicial Watch is the nation's largest conservative public interest law organization. Its mission is to promote transparency and restore accountability in government, politics, and the rule of law. Since 1994, Judicial Watch has become the largest, most successful Freedom of Information Act litigation shop, exposing corruption through public records disclosures. Consistent with our primary mission, we pursue litigation that ensures honesty and integrity in our elections.

Judicial Watch has devoted substantial resources to protecting the integrity of America's electoral processes through the enforcement of federal and state election laws, with particular emphasis on the NVRA. The NVRA requires states to maintain accurate and current voter registration lists and to remove registrations of individuals who are no longer eligible to vote, including those who have died or changed residence. When Judicial Watch identifies jurisdictions that fail to comply with these statutory obligations, it conducts independent analyses of voter registration data, submits formal inquiries and legal notices, and, where necessary, initiates litigation to compel

[4] *U.S. v. Waller County, et al.*, 4:08-cv-03022 (S.D. Tex. Oct. 17, 2008).
[5] *Texas v. U.S.,* 887 F. Supp. 2d 133 (D.D.C. 2012), *vacated,* 570 U.S. 928 (2013).
[6] *U.S. v. Alabama*, No. 2:12-cv-00179 (M.D. Ala. 2012).

compliance. These efforts are aimed at ensuring that voter rolls accurately reflect eligible voters and that election officials carry out their federal list maintenance duties—functions that are essential to transparent and trustworthy elections.

No public or private organization has done more to force states to clean up inaccurate voter registration lists than Judicial Watch.

I. There Is Broad Public Support for Election Integrity.

A recent national survey found that 76% of respondents support requiring that all ballots must be received by election officials on or before Election Day.[7] Election-Day ballot receipt is one of the most popular election integrity requirements, second only to voter ID, which enjoys 80-plus percent public support.[8] Similarly, in national polling a majority of Americans express support for requiring proof of citizenship, reflecting widespread concern about election integrity.[9] The American people believe there are serious risk to our electoral system. For example, one study from last year showed that 64% of likely voters are concerned that electronic voting systems may allow votes to be changed remotely through internet connections.[10]

II. State Laws Extending Ballot Receipt Deadlines Violate Federal Law.

Over the past two decades, a growing number of states have enacted laws extending ballot receipt deadlines for federal elections, permitting absentee and mail-in ballots to be received and counted days or even weeks after the federally designated Election Day. The cumulative effect of

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[7] Scott Rasmussen, *80% Favor Requiring Photo ID Before Casting a Ballot*, ScottRasmussen.com (Jan. 17, 2022), https://bit.ly/4bCnMO7. This 2022 poll showed a 6% increase from a previous poll. *See* Scott Rasmussen, *70% Want All Mail-In Ballots Received By Election Day*, ScottRasmussen.com (July 13, 2021), https://bit.ly/4rzhEuB.

[8] *Id*.

[9] Megan Brenan, *Americans Endorse Both Early Voting and Voter Verification*, Gallup (Oct. 24, 2024), https://bit.ly/4bBwjAS.

[10] Rasmussen Reports, *Election Integrity: Many Don't Trust Electronic Voting Machines* (Sept. 10, 2025), https://bit.ly/4a32mse.

these policies has been profoundly detrimental to public trust in the electoral process, undermining confidence in the integrity and finality of federal elections.

Yesterday, Judicial Watch filed a merits brief in *Watson v. Republican National Committee*, No. 24-1260, articulating the legal basis for why these state laws conflict with federal statutes. A copy of this brief is attached as Exhibit 1. In this case, Judicial Watch, together with former Solicitor General Paul Clement and his team at Clement & Murphy, PLLC, represent the Libertarian Party of Mississippi in a case consolidated with *Watson*. *Watson* raises an important national issue: do federal laws that set a single Election Day for federal offices override state laws permitting ballots to arrive after Election Day? The Supreme Court's decision in this case will have far-reaching implications for the administration of mail-in voting, the finality of election results, and public confidence in the timing and integrity of federal elections.

At bottom, the case turns on the original public meaning of "the election" as that term appears in 2 U.S.C. §§ 1 and 7 and 3 U.S.C. § 1, and whether state laws extending ballot receipt beyond Election Day are "inconsistent" with those federal enactments. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013). Since 1845, federal law fixes a single national day on which votes for federal office must be final, and state laws authorizing post-Election-Day receipt impermissibly conflict with that requirement. Congress has the absolute say on timing of federal elections, and states have no authority to extend that timing past the date set by Congress.

This legal issue has emerged as a result of recent efforts by activists and interest groups to encourage state legislatures to revise or repeal long-standing election-integrity measures. Historically, absentee voting was minimal in scope, governed by stringent regulations. In recent years, however, the significant expansion of vote-by-mail systems—particularly those permitting ballots to be received and counted after Election Day—has led to a substantial increase in absentee and

mail-in voting, along with heightened public attention regarding election integrity and finality.[11] This practice has at times created uncertainty, as election officials may not have a complete tally of votes for several days or even weeks following Election Day, which can contribute to public skepticism about electoral outcomes. Such delays pose challenges to public confidence in elections, especially in cases where candidates win by narrow margins.

Advocates of post-Election-Day ballot receipt often assert that the practice has longstanding roots in American election law; however, this assertion is not supported by historical evidence. While a few states briefly permitted late-arriving ballots following the establishment of a national Election Day in 1845, these provisions were short-lived and had negligible impact due to the historically limited use of mail-in voting.[12] In fact, the concept of post-Election-Day ballot receipt is a recent practice, originating after federal legislation enacted in response to the contested 2000 presidential election. [13] Section 302 of the Help America Vote Act of 2002 ("HAVA"), codified at 52 U.S.C. § 21082, mandated states to establish provisional voting procedures for federal elections.

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[11] Vote-by-mail ballots constituted 46% of total ballots cast in 2020, by far the primary means by which votes were cast in the United States. From 1920-30, absentee ballots were estimated to account for less than .5% of total votes. Joseph P. Harris, *Election Administration in the United States* 283-99 (Brookings Inst. 1934) available at https://bit.ly/3cdio7z. In 2000, 10% of voters nationwide voted by mail. *See* Charles Stewart III, HOW WE VOTED IN 2020: A FIRST LOOK AT THE SURVEY OF THE PERFORMANCE OF AMERICAN ELECTIONS, MIT Election Data + Science Lab, (Dec. 15, 2020), available at https://bit.ly/39WCp0H. That number doubled to 21% by 2016 before doubling yet again to 46% in 2020. *Id.* Voting by mail is now the predominant voting method over early voting and Election Day voting with 31.9% of federal ballots in 2022 were cast by mail. Election Assistance Comm'n, *Election Administration and Voting Survey 2022 Comprehensive Report* 9, 33-34 (June 2023), https://bit.ly/4aB6Rui.

[12] Harris, *supra* note 11, at 298–99 (noting that, given the "small number" of absentee votes, they did "not occasion serious frauds").

[13] Following the 2000 election, two competing election visions of electoral reform arose. Fortier & Norman J. Ornstein, Symposium, *Election Reform: The Absentee Ballot and the Secret Ballot: Challenges For Election Reform*, 36 U. Mich. J.L. Reform 483, 484 (2003). One vision sought to improve poll sites, while the other sought to discourage the use of poll sites and promote voting by mail.

HAVA prioritized Election Day receipt by specifying that provisional ballots are both cast and "received" at polling locations on Election Day, subject to subsequent verification of voter eligibility. After states rolled out their provisional ballot procedures, some advocates began utilizing the eligibility-verification period for provisional ballots as a reason to extend ballot receipt deadlines beyond Election Day—a effort that notably intensified during the COVID-19 pandemic, when public health concerns were used to justify sweeping departures from traditional integrity protections.[14]

Disparate state deadlines for completing voting, however, is precisely the type of mischief Congress sought to eliminate when it enacted uniform Election-Day statutes in 1845, 1872, and 1914. *See* 3 U.S.C. § 1; 2 U.S.C. §§ 1, 7. The whole point of the Election-Day statutes is to set a single uniform day for the election. Allowing ballots to trickle in days or weeks after Election Day is antithetical to that basic goal. Indeed, a patchwork of state ballot-receipt deadlines replicates the problems Congress was trying to remedy with a single national Election Day. It is entirely implausible to conclude that Congress—when thrice exercising its preemptive power under the Elections and Electors Clauses—left the door open for states to vitiate those statutes by postponing electoral outcomes with post-election ballot-receipt deadlines. Congress certainly did not leave states the power to undo this important federal time regulation by simply declaring all mailboxes

[14] Indeed, it appears that most state post-election receipt laws were enacted after HAVA's enactment. *See, e.g.*, Cal. Elec. Code. § 3020 (2014); D.C. Code § 1-10001.05(a)(10A) (2019); 10 ILCS 5/19-8 (2005); Kan. Stat. Ann. § 25-1132 (2017); Md. Code Regs. 33.11.03.08 (2004); Mass. Gen. Laws ch. 54, § 93 (2021); Miss. Code. Ann. § 23-15-637 (2020); Nev. Rev. Stat. § 293.269921 (2021); N.J. Stat. Ann. § 19:63- 22 (2018); N.Y. Elec. Law § 8-412 (1994); Or. Rev. Stat. § 253.070(3) (2021); Tex. Elec. Code Ann. § 86.007 (1997); Utah Code Ann. § 20A-3a-204 (2020); Va. Code Ann. § 24.2-709(B) (2010); W. Va. Code §§ 3-3-5(g)(2), 3-5-17(1993); Ala. Code § 17-11-18(b) (2014); Ark. Code. Ann. § 7-5411(a)(1)(A) (2001); Ind. Code § 3-12-1-17(b) (2006); Fla. Stat. § 101.6952(5) (2013); Ga. Code Ann. § 21-2-386(a)(1)(G) (2005); Mich. Comp. Laws § 168.759a (2012); Mo. Rev. Stat. § 115.920(1) (2013); 25 Pa. Cons. Stat. § 3511(a) (2012); R.I. Gen Laws § 17-20-16 (2019); and S.C. Code Ann. §§ 7-15-700(a), 7-17-10 (2015).

to be ballot boxes. Allowing ballots to be received by election officials well after the polls closed on Election Day would have struck the Congresses that passed those statutes and the public that first read them as unthinkable.

As members of Congress explained at the time, the absence of a uniform Election Day invited fraud—and, just as importantly, the appearance of fraud. *See* Br. of Amici Curiae Prof. Michael T. Morley et al. in Support of Neither Party at 9–17, *Watson v. Republican Nat'l Comm.*, No. 24-1260 (U.S. filed Jan. 9, 2026) (collecting historical sources). Congress established and reinforced a single national Election Day "to combat election fraud by preventing double voting, reduce burdens on voters, and prevent results from states with early elections from influencing voters in other jurisdictions." Michael T. Morley, *Postponing Federal Elections Due to Election Emergencies*, 77 Wash. & Lee L. Rev. Online 179, 215 (2020).

The legislative history shows that Congress's objective extended beyond preventing actual fraud to preserving public confidence in election outcomes. S*ee, e.g.*, Cong. Globe, 28th Cong., 1st Sess. 728 (June 14, 1844) (statement of Sen. Atherton). Congress acted "to remedy more than one evil arising from the election of members of Congress occurring at different times in the different States." *Foster v. Love*, 522 U.S. 67, 73 (1997) (quoting *Ex parte Yarbrough*, 110 U.S. 651, 661 (1884)). The question now before the Court is whether states may undo those protections by extending ballot receipt beyond Election Day itself.

III. Overblown Fears About Ballot Access Do Not Justify Subordinating Election Integrity.

Under the guise of ballot access, long-established safeguards essential to accurate and lawful elections—including voter-eligibility verification, systematic voter-list maintenance, and basic security and confirmation procedures—have been diluted, suspended, or actively discouraged. Measures that for generations commanded bipartisan support and formed the backbone of election

administration have been recast as suspect or illegitimate, despite their clear historical and statutory grounding as well as proven role in preventing fraud and administrative error. In some instances, even the most basic integrity protections have been dismissed as relics of voter suppression—derided as "Jim Crow 2.0"—rather than recognized for what they are: neutral, lawful mechanisms designed to ensure that elections are conducted fairly, consistently, and in accordance with the law. Public confidence in elections will continue to erode in those states that subordinate election integrity to specious concerns about ballot access.

The emphasis on ballot access is not inherently problematic. However, when the emphasis predominates all other considerations, especially election integrity, it inflicts serious and measurable damage to public confidence in federal elections. The systematic dismantling of longstanding election-integrity safeguards has undermined trust in both state and federal elections. What began as isolated state-level policy choices has now become a national problem.

The absence of traditional election integrity safeguards in these jurisdictions fuels a growing view that federal elections there are not conducted on a level playing field, thereby undermining public confidence in the fairness and integrity of the electoral process. Elections conducted in the Jim Crow South were widely viewed as illegitimate due to the systematic disenfranchisement of eligible Black voters. Today, insecure election in places that refuse to enact or enforce election integrity safeguards (e.g., Oregon, California, and Illinois) are similarly perceived has lacking legitimacy.

Recent experience illustrates the point. In the 2024 election cycle, two GOP congressional incumbents lost reelection after initially leading on election night, only to be overtaken days later

by late-arriving vote-by-mail ballots. [15] Outcomes such as these exacerbate public doubt about the fairness, uniformity, and finality of federal elections.

This evolution has altered not only how elections are conducted, but how they are perceived. When historical election integrity safeguards that once commanded bipartisan acceptance are removed for select elections, the predictable result is growing skepticism about whether national elections are being administered lawfully, consistently, and in good faith. The erosion of confidence now evident across the electorate is not the product of ballot access itself, but of a policy environment that treats election-integrity protections as optional rather than essential.

In the decades following the civil rights era, election policies were focused on ending racial discrimination and making sure everyone had equal access to the ballot. Thanks to constitutional amendments, federal laws, and years of enforcement, those issues have been directly addressed. Today, continuing to describe modern election integrity measures as forms of voter suppression misses the reality of current challenges. But these safeguards do not block voter access – they prevent fraud and limit mistakes. Mislabeling safeguards as "suppressive" repeats the mistakes of the past and threatens to weaken public trust in our elections.

Registration and Turnout Data Show That Minority Voters Have Equal Access.[16]

Virtually all election policy discussion over the last seventy-five years has focused on minority ballot access and equal opportunity. To objectively assess whether racial minorities have an equal opportunity to participate in the electoral process, it is essential to examine racial registration

[15] Hanna Kang, *Election 2024 Results: Derek Tran now 613 votes ahead of Rep. Michelle Steel,* OC REGISTER (Nov. 27, 2024), https://bit.ly/42KaNFG; and Jamie Joseph*, RNC rails against California's late mail-in ballot counting amid national litigation: It is absurd*, FOX NEWS (Nov. 27, 2024), https://fxn.ws/435dKAz .

[16] All registration and turnout data regarding the 2020 election is from an April 2021 report from the Census Bureau. *See* Dept. of Commerce, Census Bureau, Reported Voting and Registration, by Sex, Race and Hispanic Origin, for States (Nov. 2020)(Table 4b) https://bit.ly/4aBsPx8.

and turnout data. Before the passage of the Voting Rights Act of 1965, registration data showed just how much the system was failing minorities. At that time, only 19.4 percent of black citizens of voting age were registered to vote in Alabama, only 31.8 percent in Louisiana, and only 6.4 percent in Mississippi. *See Shelby County v. Holder*, 570 U.S. 529, 545-46 (2013). These figures reflected a roughly 50 percent or greater disparity between the registration rates of black and white voters. *Id.*

Recent figures demonstrate that racial disparities in voting have been significantly reduced and, in many instances, eliminated. Compared to the period when Congress enacted the Voting Rights Act of 1965, opportunities for participation are now exponentially greater.

Registration. Current data demonstrates that Black voter registration has not only fully recovered but, in some cases, now surpasses White registration rates. Specifically, the data indicates that registration disparities in Texas, Florida, North Carolina, Louisiana, and Mississippi—all states previously subject (in whole or in part) to Section 5 of the Voting Rights Act—are now below the national average. Notably, Black registration in Mississippi is 4.3% *higher* than White registration. Furthermore, registration disparities in these former Section 5 states are lower than those observed in California, New York, Connecticut, the District of Columbia, Delaware, and Virginia. In fact, the four largest registration disparities, *i.e.*, where White registration most exceeds Black registration, are found in Massachusetts, Wisconsin, Oregon, and Colorado—all states carried by President Biden in 2020.

Turnout. The 2020 election saw increased voter turnout across all racial groups.[17] Notably, voter turnout disparities in Mississippi, North Carolina, Georgia, Florida, and Texas were all

[17] *Despite Pandemic Challenges, 2020 Election Had Largest Increase in Voting Between Presidential Elections on Record*, Dept. of Commerce, Census Bureau (Apr. 29, 2021) https://bit.ly/4kjdeWg.

below the national average. In contrast, the turnout disparities observed in Massachusetts, Wisconsin, Oregon, Colorado, New Jersey, and New York exceeded those in these former Section 5 states. Furthermore, turnout among Black voters in Mississippi surpassed that of White voters.

There exists a substantial disconnect between empirical data and prevailing media narratives. Regardless of one's perspective regarding claims of "rampant voter suppression," the facts are incontrovertible: voter registration rates and turnout in 2020 far surpassed those recorded in 1965. When Black citizens now register and participate at higher rates in states such as Mississippi, it is not credible to assert that Jim Crow–style voter suppression persists today. [18]

The fact is that minority participation during the 2020 election was exponentially higher nationwide than it was during actual Jim Crow in 1965. For example, in Tennessee, Black registration and turnout in 2020 exceeded that for Whites. Hardly Jim Crow. The same is true just downriver in Mississippi. Previously, Jim Crow Mississippi saw an astonishingly low 6.4% registration rate for blacks.

Over the past fifteen years, ballot access has markedly expanded, even as persistent claims of voter suppression have circulated. Minority voter registration and turnout have risen, and racial disparities in participation have narrowed considerably. The data makes it clear: current allegations of widespread voter suppression do not align with the actual trends in ballot access. Notably, these positive advancements have taken place *even as* many states enacted Voter ID laws that critics labeled as suppressive. In reality, like many other overblown fears about ballot access, concerns over the impact of Voter ID requirements have proven unfounded, as evidenced by the

[18] Editorial, *'Jim Eagle' and Georgia's Voting Law: Biden Compares State Voting Bills to Jim Crow, Never Mind the Facts*, WALL STREET JOURNAL (March 26, 2021), https://bit.ly/4tGbif5.

overwhelming public support for these policies—recent polling shows that approximately 80% of Americans now favor Voter ID measures.

IV. Inaccurate Voter Rolls Compound Public Distrust Elections

As early as 1800, Massachusetts implemented voter registration requirements specifically to prevent fraud and ineligible voting, reflecting a widely shared understanding that accurate voter rolls are essential to election integrity.[19] Historical evidence, as detailed below, makes it abundantly clear that the risks of election fraud and systemic irregularities are heightened when voter eligibility is not verified, registration lists are outdated or inaccurate, and election officials fail to implement and enforce clear legal safeguards. Congress enacted the NVRA, in part, to prevent a return to such conditions, imposing affirmative duties on states to maintain accurate voter rolls through ongoing and effective list maintenance. However, despite these federal mandates, many states today are falling short of compliance, allowing millions of obsolete and ineligible registrations to persist year after year. By neglecting their list-maintenance obligations, states are not merely committing technical violations of federal law—they are recreating vulnerabilities that have historically enabled fraud, distorted electoral outcomes, and diminished public trust in our democratic process. This persistent pattern of noncompliance highlights the urgent need for robust and consistently enforced list-maintenance standards to protect the integrity and credibility of our modern elections. Ultimately, inadequate list-maintenance practices fuel public perceptions that our nation's electoral system is not operating as it should.

These current shortcomings are not unprecedented. The responsibility to maintain accurate voter lists has deep roots in American election law and has long been recognized as a vital safeguard against illegal voting and election fraud. The historical record—further explored in the

[19] Harris, *supra* note 11, at 18.

following section—demonstrates that prioritizing election integrity is essential and that neglecting or manipulating registration systems exposes elections to fraud, coercion, and widespread public distrust. The ongoing failure of many states to comply with the NVRA thus echoes longstanding historical challenges that election law has repeatedly sought to address and remedy.

5.8 Million Removals—and Counting

In April 2025, Judicial Watch's President Tom Fitton announced that Judicial Watch's NVRA enforcement efforts over the years had resulted in the removal of more than five million ineligible registrations from voter rolls in nearly a dozen states and local jurisdictions.[20] These removals occurred as a result of court orders, settlement agreements, and corrective actions taken by election officials following Judicial Watch litigation or formal legal demands. The affected registrations included individuals who were deceased, had relocated, or were otherwise ineligible under the NVRA. While surpassing the five-million-removal mark represents a significant milestone in restoring compliance with federal election law, it also underscores a broader reality: millions of outdated and ineligible registrations remain on voter rolls nationwide. Judicial Watch continues to pursue active litigation to enforce NVRA list-maintenance requirements in multiple states, including Oregon, California, and Illinois.

Recent developments illustrate both the scope of the problem and the need for enforcement. In January 2026, Oregon election officials announced plans to address approximately 800,000 inactive voter registrations—nearly one-fifth of the State's entire voter roll—after acknowledging that these registrations had accumulated over many years without being properly processed.[21] This

[20] *New Numbers Show Over Five Million Names Cleaned from Voter Rolls Nationwide*, Judicial Watch (April. 3, 2025), https://bit.ly/3Mk9KpV (discussing removals in PA, CA, NC, OH, KY, and NY).

[21] *Oregon Election System Faces Scrutiny As State Moves to Address 800,000 Inactive Voters: 'Astounding',* Judicial Watch (Jan. 14, 2026), https://bit.ly/4qq2Dub.

announcement followed Judicial Watch's, challenging Oregon's longstanding failure to conduct mandatory list maintenance. The magnitude of Oregon's inactive voter backlog reflects the consequences of prolonged delay and inadequate enforcement of federal election law.[22] Although state officials have characterized the initiative as a corrective step intended to improve accuracy and restore public confidence, the need to remove hundreds of thousands of long-inactive registrations at once highlights precisely the type of systemic noncompliance that Judicial Watch's election-integrity work seeks to identify and remedy. Oregon's announcement highlights the severity of the issue and the value of enforcing current laws, especially where states will not comply on their own.

The NVRA's Modest List-Maintenance Requirements

As the NVRA itself makes clear in its "Findings and Purposes," the statute was enacted to achieve two distinct objectives. First, it sought to "increase the number of eligible citizens who register to vote," thereby enhancing participation in elections for federal office. Second, it aimed to "protect the integrity of the electoral process" by ensuring that accurate and current voter registration rolls are maintained.[23]

The first objective—increasing the number of eligible registrants—was intended to be achieved primarily by expanding the number of state offices at which citizens are offered the opportunity to register to vote. The most significant provision advancing this goal requires that every application for a state driver's license also serve as a voter registration application, a feature that has given the NVRA its familiar designation as the "Motor Voter" law.[24] There is substantial evidence that this first objective has largely been realized. For example, during the twenty-year period

[22] *Id*.
[23] 52 U.S.C. § 20501(b).
[24] 52 U.S.C. § 20504(a).

from 1992—the year before the NVRA's enactment—through 2012, the national voter registration rate increased by more than 11 percent. [25]

The second objective—protecting electoral integrity by ensuring accurate and current voter rolls—was to be accomplished through the NVRA's requirement that states "conduct a general program that makes a reasonable effort to remove the names of ineligible voters" from the rolls when they have died or moved.[26] That objective has not been met. Several years ago, a widely cited study brought this failure forcefully to national attention, concluding that "24 million—one of every eight—voter registrations in the United States are no longer valid or are significantly inaccurate," that "1.8 million deceased individuals are listed as voters," and that "2.75 million people have registrations in more than one state."[27] Based on Judicial Watch's more recent research, there is every reason to believe that these problems have worsened.

The U.S. Election Assistance Commission ("EAC") has publicly released the responses provided by states in its most recent election administration survey. By law, the Commission must submit a report to Congress every two years assessing the impact of the NVRA on the administration of federal elections during the preceding two-year period, and states are required to provide the requested information.[28] That data, giving rise to the lawsuits discussed in the following section, confirms that many states are failing to carry out minimal list maintenance.

States Chronically Fail to Maintain Accurate Registration Lists

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[25] Royce Crocker, *The National Voter Registration Act of 1993: History, Implementation, and Effects*, Appendix A, Cong. Res. Serv. (Sept. 18, 2013), https://bit.ly/4r5MefK.

[26] 52 U.S.C. § 20507(a)(4).

[27] *Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade*, Pew Res. Ctr. On The States (Feb. 14, 2012), https://bit.ly/3OuRJ92.

[28] 52 U.S.C. § 20508(a)(3) and 11 C.F.R. § 9428.7.

Judicial Watch's analysis consistently demonstrates a pervasive failure by states to fulfill the voter list-maintenance obligations imposed by the NVRA. Despite the NVRA's clear and longstanding requirements, states across the country continue to neglect their statutory duty to maintain accurate and current voter registration lists. Section 8 of the NVRA requires states to conduct a "general program" that makes a reasonable effort to remove ineligible voters—particularly those who have moved or died—and to maintain records demonstrating compliance. Yet recent litigation brought by Judicial Watch in Oregon, California, and Illinois shows that these failures are not isolated or technical in nature. Instead, they reflect systemic breakdowns in list-maintenance practices, inadequate oversight by chief state election officials, and persistent refusals to provide legally required public records.

Judicial Watch's lawsuit against Oregon alleges a statewide failure to conduct a legally required voter list-maintenance program under Section 8 of the NVRA.[29] Data Oregon itself reported to the EAC shows that 19 Oregon counties removed zero voter registrations for failure to respond to address-confirmation notices and failure to vote in two consecutive federal elections during the most recent reporting period.[30] (¶ 26). Ten additional counties removed 11 or fewer registrations during that same period, despite collectively maintaining more than 2.4 million registered voters. (¶ 27). These removal numbers are irreconcilable with Census Bureau data showing significant residential mobility within and out of Oregon. (¶¶ 30-32). Oregon's voter rolls also reflect extraordinarily high overall registration rates, with 35 of Oregon's 36 counties exceeding 100% registration when compared to citizen voting-age population estimates. (¶¶ 39–41). Inactive

[29] *Judicial Watch Sues Oregon to Force Clean Up of Voter Rolls—Lawsuit Alleges Oregon Has One of Worst Voting Lists in the Nation*, Judicial Watch, Inc. (Oct. 23, 2024), https://bit.ly/4r8LmHc.

[30] *See* Exhibit 2 - Complaint, *Judicial Watch, et al. v. Oregon, et al.*, No. 6:24-cv-01783 (D. Or. Oct. 23, 2024).

registrations comprise roughly 20% of Oregon's statewide voter rolls—the highest known inactive rate of any state in the nation. (¶¶ 47–51). Hundreds of thousands of Oregon registrations have remained inactive for three or more federal election cycles without being removed, in direct violation of mandatory NVRA procedures. (¶¶ 54–60). Taken together, these facts demonstrate a statewide breakdown in list maintenance and a failure by Oregon's chief election official to coordinate compliance with federal law. (¶¶ 35–36, 61–62).

The California lawsuit alleges similarly systemic NVRA violations, supported by the State's own admissions and reported data.[31] California reported to the EAC that 27 counties removed five or fewer voter registrations under the NVRA's mandatory address-change removal process over a two-year period.[32] (¶¶ 27–31). An additional 19 counties reported that removal data was simply "not available," a failure that itself violates federal reporting requirements. (¶¶ 27–31). Census Bureau data shows substantial population movement within and out of California, making these removal figures implausible on their face. (¶¶ 25–26). Judicial Watch formally inquired about these discrepancies and requested NVRA-mandated records, including lists of voters who were sent confirmation notices. (¶¶ 40–46). California's Secretary of State response revealed a wholesale failure to maintain records expressly required by Section 8(i) of the NVRA and to conduct a general list-maintenance program at all. (¶¶ 47–77). Judicial Watch has confirmed that at least 21 counties collectively removed only 11 voters statewide under the NVRA's mandatory removal provisions, despite maintaining nearly six million registrations. (¶¶ 50–54, 57). These

[31] *Judicial Watch Sues California to Force Clean-Up of Voting Rolls*, Judicial Watch, Inc. (May 7, 2024), https://bit.ly/4aE4neA.

[32] *See* Exhibit 3 - Complaint in *Judicial Watch Inc. and the Libertarian Party of CA v. Shirley Weber, et al.*, No. 2:24-cv-03750 (C.D. Ca. May 6, 2024).

facts establish both a failure to maintain accurate voter rolls and a failure to provide public access to records that federal law requires states to preserve and disclose.

Judicial Watch's Illinois litigation presents one of the clearest examples of statewide NVRA noncompliance documented to date.[33] Illinois reported to the EAC that 11 counties removed zero voters and 12 additional counties removed 15 or fewer voters under the NVRA's mandatory address-change procedures during the relevant reporting period.[34] (¶¶ 28–29). Those 23 counties collectively maintained nearly one million registered voters but removed only 100 registrations over two years. (¶¶ 30–31). Illinois further admitted that 34 jurisdictions failed to report any removal data at all, and many also failed to report death removals, confirmation notices, or inactive-voter statistics. (¶¶ 38–47). In total, 60% of Illinois jurisdictions either reported negligible removals or failed to report required data altogether, affecting approximately two-thirds of all registered voters in the State. (¶¶ 49–50). When Judicial Watch requested NVRA-mandated records, Illinois election officials admitted that the State lacked access to local list-maintenance data and did not possess records that federal law requires the State itself to maintain. (¶¶ 56–59). These admissions establish that Illinois cannot—and does not—coordinate statewide compliance with the NVRA, as federal law requires. (¶¶ 60–61). The Illinois case thus illustrates not merely poor execution, but a structural abdication of federal list-maintenance responsibilities by the State's chief election authority.

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[33] *Judicial Watch Sues Illinois to Force Clean-Up of Voting Rolls*, Judicial Watch, Inc., (March 6, 2024), https://bit.ly/4kyZzur.

[34] *See* Exhibit 4 - Complaint, *Judicial Watch Inc. et al. v. Illinois State Board of Elections et al.*, No. 1:24-cv-01867 (N. D. Ill. March 5, 2024).

III. History Shows That Election Integrity Is Critical For Public Confidence In Its Government.

"*Nothing will undermine the morale of the voting public so quickly as a suspicion that the elections are not honestly conducted.*" [35]

Long before today's debates on election integrity, leading experts systematically documented the consequences of inadequate or poorly enforced election integrity laws. National surveys and research illustrated the struggle between advocates for robust election safeguards and those who exploited weak or lax enforcement. Many of the election integrity measures challenged today were enacted in direct response to serious, recurring failures identified in these early studies. Election integrity is not only essential for maintaining public confidence in election outcomes, but also for ensuring that the laws enacted by subsequent governments that form following elections are viewed as legitimate.

Two foundational works addressing election integrity are *Election Administration in the United States* and the nineteenth-century treatise *A Treatise on the American Law of Elections*. Although different in method, both relied heavily on primary sources—including official election records, contested-election proceedings, judicial decisions, and direct observation of election administration across numerous jurisdictions. Together, they documented persistent breakdowns in election administration and demonstrated that elections lose legitimacy when eligibility rules are weakly enforced, voter rolls are inaccurate, and statutory safeguards are treated as optional rather than mandatory. The integrity protections that later became embedded in American election law were adopted precisely to correct the failures recorded in these books and to ensure elections were conducted in an orderly, verifiable, and publicly credible manner. Any proposal to weaken or

[35] Harris, *supra* note 11, at 261.

discard those safeguards—without first grappling with the historical reasons for their adoption and the continued necessity of their enforcement—ignores hard-earned lessons about how election systems maintain legitimacy and public trust.

Election Administration in the United States was a comprehensive, empirical study commissioned and published by the Brookings Institution during the Progressive Era, when widespread concerns about election corruption and administrative failures prompted calls for reform. Joseph P. Harris was the principal author, drawing on nationwide field investigations and official records to document how elections were actually conducted and to inform the development of durable election-integrity safeguards. Harris's research showed that election fraud emerged, among other places, where voter lists were inaccurate, election procedures were poorly enforced, and administrative oversight was lax. Several of his chapters provide the essential context for understanding why modern election systems rely on layered integrity safeguards.[36] Harris's work demonstrated that many of the procedures now taken for granted, including accurate voter registration lists, voter ID, ballot security, and transparent administration, were adopted in direct response to recurring abuses observed when elections were loosely regulated or poorly enforced. Read together, these chapters make clear that election-integrity laws did not arise from abstract theory or partisan preference, but from hard experience with fraud, coercion, and administrative failure—and from the recognition that public confidence in elections depends on rigorous, enforceable rules.

Discussing election frauds, Harris outlined numerous election safeguards and practices that were adopted in the United States's elections that promoted election integrity and public confidence in elections. His work identified the principal types of fraud and concrete historical

[36] *Id.* at 150-199 (Chapter V – Ballots); 200-46 (Chapter VI - Conduct of Elections); 247-82 (Chapter VII – Voting Machines); 283-315 (Chapter VIII – Absentee Voting; Mail Voting; The Canvass; Recounts); and 315-82 (Chapter IX- Election Frauds)

examples observed in American elections.[37] Harris's account is significant not because it describes a bygone era, but because it documents a persistent reality: election fraud historically flourished where administrative safeguards were weak, voter registration lists were inaccurate or obsolete, and election officials failed to enforce the law. His analysis underscores that confidence in elections depends not on assurances or rhetoric, but on rigorous compliance with statutory protections—including accurate voter registration lists, secure ballot procedures, and transparent election administration.

Harris's research illustrates the increasing significance of voter identification at polling locations, particularly after urban areas adopted voting machines, resulting in larger polling sites. As these sites expanded, poll workers and voters could no longer depend on personal familiarity, since participants often originated from various neighborhoods.[38] Today, consolidated poll sites are substantially larger than those from Harris's era, underscoring the rationale for implementing measures such as Voter ID. Modern poll workers are unable to rely solely on neighborhood recognition or signature verification; thus, instituting Voter ID requirements serves to maintain an appropriate balance between electoral integrity and ballot access—an equilibrium that has historically been essential for sustaining public trust.

Harris identified registration fraud as a foundational vulnerability in election systems, describing practices such as the registration of fictitious voters, the retention of deceased or relocated individuals on voter rolls, and the registration of non-residents. He emphasized that inaccurate registration lists served as the gateway through which many other forms of fraud became possible.[39] Closely related was the practice known as "repeating," in which the same individual voted

[37] *Id.* at 315-82.
[38] *Id.* at 221.
[39] *Id.* at 370-72.

multiple times in a single election by exploiting disorganized poll books or lax identification procedures—particularly in large urban jurisdictions dominated by political machines.[40]

Harris further documented ballot-box stuffing, in which fraudulent ballots were inserted either before polls opened or during the counting process, often with the cooperation or acquiescence of partisan election officials.[41] He also described the use of "chain ballots," a systematic scheme in which pre-marked ballots were circulated among voters throughout Election Day, undermining ballot secrecy and allowing fraud to be repeated on a large scale.[42]

Additional abuses identified by Harris included fraudulent assistance to voters, particularly illiterate or vulnerable voters, where election workers effectively directed or altered voter choices under the guise of lawful assistance.[43] He also documented intimidation and violence, including threats and coercive tactics designed to suppress turnout or influence voting behavior in opposition strongholds.[44]

Finally, Harris detailed post-voting frauds, including the alteration or substitution of ballots, false tabulation, and false election returns. He cited recounts in major cities such as Chicago and Philadelphia that revealed discrepancies numbering in the thousands of votes—evidence of deliberate manipulation rather than mere clerical error.[45] Harris concluded that these practices were enabled by weak controls during the counting and canvassing stages of elections and by the absence of meaningful accountability mechanisms.[46]

Harris's findings remain instructive today. They demonstrate that public confidence in elections depends on the consistent enforcement of laws designed to prevent fraud before it

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[40] *Id.*
[41] *Id.* at 372-373.
[42] *Id.* at 373.
[43] *Id.* at 373.
[44] *Id.* at 373-74.
[45] *Id.* at 373-75.
[46] *Id.* at 375-82.

occurs—particularly those governing voter registration accuracy, ballot security, and transparent election administration. Where those safeguards are neglected, history shows that fraud, error, and public distrust predictably follow.[47]

A Treatise on the American Law of Elections, first published in 1875 by George Washington McCrary—a former Member of Congress, Chairman of the House Committee on Elections, and subsequently a federal judge—was widely regarded as the preeminent nineteenth-century legal treatise on U.S. election law.[48] McCrary relied on hundreds of contested-election cases, legislative histories, judicial decisions, and official election records to compile the work, anchoring his analysis within the practical procedures and disputes that defined electoral practices during the post-Civil War and Reconstruction eras. The treatise underwent several editions, underscoring its widespread acceptance among courts, legislators, and legal practitioners as an authoritative resource on election law, particularly regarding statutory and case-law precedents relevant to contested elections and electoral integrity.

McCrary's work, together with Harris's, demonstrate the near-constant need for enhanced election integrity.[49] Election misconduct, and the perception of the same, is a real and recurring threat to democratic governance. Their work underscores a central lesson that remains relevant today: when laws governing voter eligibility, registration accuracy, and election administration are not rigorously enforced, fraud, abuse, and public distrust predictably follow.

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[47] *Id.*

[48] George W. McCrary, *A Treatise on the American Law of Elections* (4th ed. 1897).

[49] Further historical instances of election administration issues are documented in Richard Franklin Bensel's *The American Ballot Box in the Mid-Nineteenth Century* (2004).

Long-Recognized Dangers Posed By Mail Voting Still Apply Today

Prior to the adoption of the Australian ballot, American elections were routinely marked by bribery, intimidation, violence, and overt corruption, largely because voting was public and party-controlled ballots allowed third parties to observe and verify how individuals voted.[50] Money was openly used to "carry elections," that voters frequently demanded payment for their ballots, and that systematic vote-buying had become a recognized feature of election machinery in both urban and rural areas. Elections were further characterized by intimidation and coercion, including employers monitoring workers at polling places, threatening job loss for disfavored votes, and physically escorting or "marching" voters to the polls under supervision.[51] Assaults, ballot snatching, substitution of ballots, and violent disruption of polling places were common, with voters sometimes having ballots forcibly replaced or being deterred from voting altogether through fear and disorder.[52]

The adoption of the Australian ballot—by providing a secret, government-supplied ballot marked in private—was intended specifically to eliminate these abuses by preventing verification of purchased or coerced votes.[53] Reformers argued, and experience confirmed, that bribery declined sharply because a purchaser could no longer know whether a bought vote had actually been delivered, making vote-buying economically irrational.[54] One consequence of this innovation was a decline in voter turnout, as voters who had previously participated only because they were bribed, coerced, or economically dependent ceased voting once those inducements were removed.[55] Although critics cited this reduced turnout as evidence of voter suppression, reformers viewed it

[50] Eldon Cobb Evans, *A History of the Australian Ballot System in the United States* at 24–25 (1917) available at https://bit.ly/3MvT0My https://bit.ly/3MvT0My.

[51] *Id.* at 26-27.

[52] *Id.* at 31-32.

[53] *Id.* at 45-46.

[54] *Id.* at 45-47.

[55] *Id.* at 25-27.

instead as proof that the ballot had transformed voting from a commercial transaction into a civic act, eliminating corrupt participation while preserving genuine electoral choice.[56]

Harris's later survey offered confirmation for advocates of the Australian ballot. In his 1934 report, he described improvements to electoral integrity that resulted from the adoption of the Australian ballot commencing in 1888:

> Since 1900 the general tone of election administration has greatly improved throughout the country, and frauds, formerly so widespread, have tended to disappear in all but a few communities. This improvement has been brought about by stricter registration laws, more stringent election laws, the requirement of the signature at the polls, the Australian ballot, which has practically put a stop to bribery, and, in recent years, by the enfranchisement of women and the passing of the open saloon. Not many years ago it was taken for granted that there would be a great deal of drunkenness, disorder, violence, bribery, and other malpractices at the polls. Today the polling place is quiet and orderly. One of the leading arguments used against woman suffrage was that no woman of refinement or culture would care to venture near the polls on the day of election, for "it was not a fit place for women." Happily this has practically passed. Election frauds have not entirely disappeared, and intimidation and violence are sometimes present at the polls, but these conditions obtain only in a few politically backward communities.

Harris, *supra* note 11, at 19-20.

This history is increasingly relevant today, as the expansion of large-scale vote-by-mail systems and ballot-harvesting practices has shifted voting back into unsupervised environments. In these settings, ballots are completed outside the privacy and oversight provided by polling places and poll watchers, often in the presence of third parties. Under such circumstances, the risks of coercion, intimidation, and undue influence—by political operatives, caregivers, activists, or ballot collectors who may observe, pressure, or control how a ballot is marked and returned—have grown substantially. This reintroduces many of the vulnerabilities that the Australian ballot system was specifically designed to eliminate.

[56] *Id.* at 48.

Vote-by-mail is neither a new nor inherently beneficial idea. Progressives have advocated for it at various times over the past one hundred years. Its recent adoption by several states is concerning because any improvement in voter turnout appears marginal, while the damage to public confidence in electoral results are significant. Whatever modest gains in turnout may occur are clearly outweighed by the extent to which widespread vote-by-mail undermines public trust and confidence in the electoral process as a whole.

Again, Harris thoroughly described in 1934 the risks from mail voting:

> **Mail Voting**. Related somewhat to absent voting is the proposal to permit all voters to cast their ballots at home and to mail them to the election authorities. This is usually called "mail" or "home voting." It has been proposed to the Wisconsin legislature for several years, receiving considerable support, including that of two members of the Milwaukee board of elections. The proposal in more detail is that the election office should mail to every voter an official ballot and an envelope in which to return it; that the voter should mark the ballot at his home and return it to the election office through the mail, signing a statement on a perforated stub of the envelope to the effect that the ballot had been marked secretly, and without coercion, intimidation, or corrupt influence. The election office would file these ballots as they are received, sorting them by precincts or other divisions. On the day of the election the envelopes would be examined and the signatures compared with those on the registration record. If the results of this examination were satisfactory, the signature stub would be removed and filed as a poll list, and the ballot deposited in the ballot box, thus losing its identity. After all the ballots had been passed upon in this way, the count would be conducted in the usual manner, but by the counting clerks employed by the election office.
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> The arguments for home voting are that it would greatly increase the vote cast, make possible a more careful consideration of the ballot by the voter, perhaps in consultation with other members of his family, reduce the cost, avoid the loss of time on the part of the voters, and avoid the necessity for making election day a legal holiday. The principal argument against mail voting is that bribery and intimidation would be practiced upon a large scale, especially in cities, that the secrecy of the ballot would be destroyed, and that the history of elections in this country and elsewhere shows clearly the need for a secret ballot, marked and cast at a public polling place.
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> Mail voting resembles the method of voting used in this country prior to the adoption of the Australian ballot. Although the voter was required to come to the polls to deposit his ballot, he brought it with him already marked. Under that system bribery, intimidation, corruption, and party machine domination were rampant. If

the safeguards of secrecy were removed at this time, there is nothing to indicate that we might not have a return to such a system. While it is probably true that home voting would work out quite satisfactorily in some communities, there would be grave danger of a return to the former vicious practices in the poorer districts of our large cities particularly the machine controlled wards. Bribery is feasible only when the briber is sure of getting the votes for which he has paid. It would be entirely reasonable to expect a return of bribery if a scheme of mail voting were adopted. The amount of intimidation now exercised by the precinct captain in many sections of large cities is very great; with mail voting it would be enormously increased. The overbearing and dominant precinct captain would insist upon seeing how each voter under obligation to him had marked his ballot, and the voter would, have no protection against such tactics.

An event occurred several years ago in the election of state;s attorney in Chicago, which illustrates convincingly the need of a secret ballot. Robert T. Crowe was a candidate for re-election. A secret poll of the bar association indicated a heavy majority for his opponent, John A. Swanson. Just before the election, Crowe published a list of attorneys who had signed a statement endorsing his candidacy. The list contained the names of over two thousand Chicago attorneys, many of whom were known to their friends to be opposed to Crowe. The explanation is obvious. These attorneys did not dare refuse to sign the endorsement when they were asked to do so by Crowe workers for fear of reprisals. If attorneys can be intimidated in this way, it is readily apparent that the voters in machine controlled districts of large cities would be easily controlled without the protection of a secret ballot. Nor would the intimidation and corrupt influence be confined to such districts.

The evidence is quite strong that even in the most respectable districts there is considerable danger of corrupt influence in hotly contested elections, when the conflicting forces are determined to win at all costs. One could well imagine the pressure which under a system of home voting would be brought to bear upon voters in a hotly contested election, say, when different religious groups were battling with one another, or when some question like public ownership or prohibition was at stake. Home voting would lay open the election process so widely to intimidation and corrupt influence that such practices would be inevitable, and having once been started, they would become a tradition.

It is argued by the proponents of this form of voting that the severe penalty against election frauds would protect the voter against bribery and intimidation. This is utterly unconvincing. Bribery, corruption, and other election frauds have not been stopped or seriously deterred in this country by penal provisions. These election frauds are usually carried out by a political machine which can offer security against the criminal provisions of the law. Conviction for election frauds is so rare that the criminal provisions in the statutes do not insure honest elections.

It is contended also that the natural pride of the great majority of voters will prevent them from being corruptly influenced. Custom and traditions are more powerful factors than pride and conscience in such matters. The wholesale corruption of voters, both in this country and in England in the past, under an election system which made it possible, indicates that when once such practices are established they are looked upon as a matter of course, and do not incur social disapprobation. We cannot look to the pride and good conscience of the mass of voters to protect us against such practices.

The proponents of home voting assert also that this method of voting will greatly increase the total vote cast, and even though there is a small amount of dishonest voting, corrupt influence, and bribery, it will be offset by the larger vote cast which will be honest. This argument hinges, to be sure, upon the assumption that a larger vote will actually be polled under the use of home voting. There is no proof that such will be the case. The extremely limited use of absent voting would tend to disprove this. A large percentage of the absent ballots mailed out are never returned. The experience which private organizations have had with mail voting does not warrant any optimistic prophecies that mail voting will greatly increase the vote cast.

The argument has been advanced that even though it be granted that home voting is unsuitable for some of the large cities with strong party machines, this should not prevent experimentation with it in other communities and its adoption in case it proves to be satisfactory. It would, indeed, be foolish to shape our election laws and practice to meet the requirements of a few of the largest cities. It is possible that home voting might work quite satisfactorily in some communities where the dangers of bribery and intimidation were slight. This form of voting would seem to be particularly suited to sparsely settled rural districts, where the holding of elections at official polling places is both expensive and troublesome to the voters. On the whole, however, it must be said that the danger of bribery and corrupt influence of voters is not confined to a few large cities, and consequently the adoption of mail voting would appear to be dangerous in almost any community.

To summarize, mail voting does not offer any great promise of improvement in election administration; it is by no means certain that it would increase the vote cast, and it might have just the opposite effect; it would be contrary to the election experience of this and other countries in that it would nullify many of the protective features of the Australian ballot and would incur the danger of a repetition of the bribery, coercion, and corrupt influence which once existed widely. It is undoubtedly true that home voting would be a convenience to many voters, and would afford the members of the family an opportunity to discuss their votes together and to mark the ballot with greater deliberation and care, but this advantage could be secured by mailing to each voter a sample ballot, preferably reduced in size, which the voter could study and mark, taking it with him to the polls.

Harris, *supra* note 11, at 301-05.

Conclusion

In closing, I respectfully urge this Committee to consider the evidence as a call to strengthen and modernize the election-integrity framework that undergirds public confidence in our federal election. The best available registration and turnout data do not indicate widespread problems with ballot access; eligible citizens (who desire to do so) are registering and participating at high rates. The current data reflects, as history documents, that the weakening of long-established procedural safeguards create unnecessary uncertainty and erode public trust in elected leaders. Thoughtful, targeted legislative action to reinforce election integrity will enhance confidence in elections while protecting access for eligible voters.

I appreciate the Committee's attention to this important issue, and I thank you for the opportunity to appear today and share these views.