



April 27, 2026

Submitted via <https://www.regulations.gov>

ATTN: Clearinghouse Division  
U.S. Election Assistance Commission  
633 3rd Street NW, Suite 200  
Washington, DC 20001

**Re: AFL Comment in Support of the Election Assistance Commission's Voluntary National Election Audit Standards (Docket ID: EAC-2026-0067)**

America First Legal Foundation ("AFL") respectfully submits this comment in response to the Election Assistance Commission's ("EAC") notice and request for public comment on the proposed Voluntary National Election Audit Standards, published at 91 Fed. Reg. 8,472 (Feb. 23, 2026) (Docket ID: EAC-2026-0067).

AFL supports the proposed Voluntary National Election Audit Standards as an important step toward strengthening election integrity and restoring public confidence in the electoral process. At the same time, AFL urges the EAC to further enhance the Voluntary National Election Audit Standards by incorporating additional provisions addressing voter citizenship verification, ballot drop box security, and signature verification.

**I. Statement of Interest**

AFL is a 501(c)(3) nonprofit organization dedicated to upholding the rule of law and defending the constitutional rights of all Americans. Election integrity lies at the core of AFL's mission,<sup>1</sup> and AFL has a strong institutional interest in ensuring that federal election laws are faithfully administered and enforced. AFL therefore regularly participates in administrative proceedings on matters of public concern, including those related to election integrity.

For example, AFL submitted a petition for rulemaking to the EAC, urging it to require documentary proof of citizenship in connection with the federal voter registration form.<sup>2</sup> AFL also recently submitted a comment to the EAC regarding proposed

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<sup>1</sup> *Priority: Election Integrity*, AM. FIRST LEGAL FOUND., <https://perma.cc/WZ82-Q6VQ>.

<sup>2</sup> *See* AM. FIRST LEGAL FOUND., *Petition for Rulemaking to the U.S. Election Assistance Commission Regarding Documentary Proof of Citizenship (2024)*, <https://perma.cc/V359-EU64>.

revisions to the 2026 Election Administration and Voting Survey and the Election Administration Policy Survey.<sup>3</sup>

On February 23, 2026, the EAC, acting pursuant to the Help America Vote Act of 2002 (“HAVA”),<sup>4</sup> published its proposed Voluntary National Election Audit Standards in the Federal Register and invited public comment.<sup>5</sup> The proposed standards are intended to evaluate and improve the accuracy, security, and administration of elections, and the EAC has emphasized that public input is essential to ensuring they are clear, practical, and adaptable across varying legal, operational, and resource environments.<sup>6</sup>

AFL submits this comment in support of the EAC’s initiative while also identifying areas where the standards should be strengthened to better fulfill their stated purpose of bolstering election integrity.

## **II. The Proposed Standards are a Welcome Step Toward Restoring Public Confidence**

AFL commends the EAC for undertaking this initiative. Voluntary, national audit standards serve an important function in a decentralized election system by establishing baseline expectations for how elections should be reviewed, verified, and evaluated after the fact. The proposed Voluntary National Election Audit Standards correctly recognize that election audits are essential to evaluating and improving the accuracy, security, and administration of elections.

By organizing the standards around core topics—Objective, Professional, Effective, Secure, and Accountable—the EAC has adopted a clear and logical framework. And by providing principle-based guidance that is adaptable to the diverse legal frameworks and resource environments in which state and local election officials operate, the EAC has taken an approach that respects the federal structure of American election administration while promoting greater consistency and rigor in audit practices.

AFL also notes that the proposed standards helpfully catalog a range of audit types, including eligibility audits, compliance or procedural audits, ballot reconciliation audits, and post-election tabulation audits. This classification provides a useful foundation for the EAC to build on the additional guidance recommended in this comment.

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<sup>3</sup> See AM. FIRST LEGAL FOUND., Comment to Proposed Revisions to the 2026 Election Administration and Voting Survey and the Election Administration Policy Survey (2026).

<sup>4</sup> Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 1666, codified at 52 U.S.C. § 20901 *et seq.*

<sup>5</sup> 91 Fed. Reg. 8472 (Feb. 23, 2026).

<sup>6</sup> *Id.*

Public confidence in elections depends on verifiable assurances that votes are counted accurately and that only eligible voters participate. To that end, transparent and comprehensive audit procedures, voluntarily adopted and publicly reported, can meaningfully reassure voters that the process is working as intended. AFL therefore supports finalizing these standards, provided that the EAC addresses the significant omissions discussed below.

### III. The Standards Must Address Voter Citizenship Verification

Perhaps the most significant omission in the proposed standards is the absence of guidance on auditing voter citizenship verification. The right to vote in federal elections is reserved for United States citizens,<sup>7</sup> and ensuring that only eligible citizens cast ballots is a foundational obligation of election administration.

Documented evidence establishes a persistent, nationwide pattern of fraudulent or unauthorized participation by aliens in elections. The following is a representative—not exhaustive—summary of that documented record:

- **North Carolina** (2014): A state audit found 1,454 registrants were not naturalized U.S. citizens before Election Day. Of these, 89 appeared to have voted.<sup>8</sup>
- **Texas** (2019–2024): Texas identified nearly 100,000 potential aliens on voter rolls, of whom approximately 58,000 may have voted in previous elections. Since 2021, Texas has removed over 6,500 potential aliens; of those, 1,930 had actually voted.<sup>9</sup>
- **Virginia** (2022–2024): Governor Youngkin reported the removal of 6,303 aliens from voter rolls between January 2022 and July 2024.<sup>10</sup> A 2024 audit identified 1,481 aliens, some of whom had voted since 2019.<sup>11</sup>
- **Alabama** (2024): Secretary of State Wes Allen identified and purged 3,251 aliens registered to vote between January 16 and August 13, 2024.<sup>12</sup>
- **Ohio** (2024): Secretary of State Frank LaRose identified 597 aliens registered to vote, of whom 138 had actually voted.<sup>13</sup>

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<sup>7</sup> 18 U.S.C. § 611.

<sup>8</sup> *Motor Voter at 30: The Problem and the Hindrance to the Solution*, PUB. INT. LEGAL FOUND. at 19 (2023), <https://perma.cc/FET5-6WH3>.

<sup>9</sup> *Secretary Whitley Issues Advisory On Voter Registration List Maintenance Activity*, TEXAS SECRETARY OF STATE (Jan. 25, 2019), <https://perma.cc/3DJ7-AJ7W>; *Governor Abbott Announces Over 1 Million Ineligible Voters Removed From Voter Rolls*, OFFICE OF THE TEXAS GOVERNOR (Aug. 26, 2024), <https://perma.cc/SPG8-GWPB>.

<sup>10</sup> Va. Exec. Order No. 35 at 2 (2024), available at <https://perma.cc/JU3V-J5UE>.

<sup>11</sup> Erin Marie Joyce, VA Records Show Non-Citizens Voting, ELECTORAL PROCESS EDUC. CORP. (Mar. 22, 2024), <https://perma.cc/9TCT-2URD>.

<sup>12</sup> *Secretary of State Wes Allen Implements Process to Remove Noncitizens Registered to Vote in Alabama*, ALABAMA SECRETARY OF STATE'S OFFICE (Aug. 13, 2024), <https://perma.cc/SD8M-GNVR>.

<sup>13</sup> *Secretary LaRose Refers Evidence of Non-Citizen Voter Registrations to Ohio Attorney General for Potential Prosecution*, OHIO SECRETARY OF STATE'S OFFICE (Aug. 21, 2024), <https://perma.cc/H3TZ-YMVS>.

- **Arizona (2025):** Approximately 40,000 persons were registered to vote only in federal elections, having failed to provide documentary proof of citizenship—nearly four times the 10,457-vote margin by which the 2020 presidential election was decided in that state.<sup>14</sup>
- **Pennsylvania (2018):** Over 100,000 aliens were reported on voter rolls; at least 90 were confirmed to have cast ballots in a Philadelphia election.<sup>15</sup>
- **Election Fraud Tracker Database:** The Heritage Foundation Election Fraud Database contains 1,499 proven instances of voter fraud with 1,275 criminal convictions.<sup>16</sup>
- **Close Election Margins:** The materiality of even small-scale fraud is demonstrated by history: Florida 2000 (margin: 537 votes);<sup>17</sup> Minnesota 2008 U.S. Senate race (margin: 312 votes out of 2.4 million cast);<sup>18</sup> New Hampshire 1974 U.S. Senate race (margin: 2 votes).<sup>19</sup>

Notably, the proposed standards themselves recognize the importance of eligibility review. The chart of common audit types includes an “Eligibility audit,” defined as “[a] process to verify that the ballots that were counted were legally cast.”<sup>20</sup> Yet the discussion sections that follow do not provide specific guidance on how jurisdictions should audit voter citizenship as part of eligibility verification.

Similarly, the proposed standard of “Appropriateness” instructs that “[t]he scope, methods, and evidence examined by the audit should be clearly defined and correspond to the goals of the audit.”<sup>21</sup> But if the goal of an eligibility audit is to verify that only lawfully cast ballots were counted, then the scope of that audit must necessarily encompass citizenship verification, and the standards should say so explicitly.

AFL urges the EAC to include audit procedures to verify that voter rolls contain only eligible citizens and that ballots are cast only by those lawfully entitled to vote. In some jurisdictions, voter registration records include individuals who are not U.S. citizens—either because they are permitted to vote in certain local elections or due to administrative error. This creates a risk that such registrations could carry over into federal elections.

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<sup>14</sup> *Federal Only Registrants as of January 2nd, 2025*, ARIZONA SECRETARY OF STATE’S OFFICE, <https://perma.cc/GH53-BBN9>; *State of Arizona Official Canvas*, ARIZONA SECRETARY OF STATE’S OFFICE (Nov. 24, 2020), <https://perma.cc/7KP3-5NMV>.

<sup>15</sup> *PILF Sues Pennsylvania to Release Data on ‘100k’ Noncitizen Voter Registrants*, PUB. INT. LEGAL FOUND. (Feb. 26, 2018), <https://perma.cc/2UVG-YFV8>.

<sup>16</sup> *Election Fraud Map: A Sampling of Proven Instances of Election Fraud*, HERITAGE FOUND., <https://perma.cc/TZT4-CUSZ>.

<sup>17</sup> *The American Presidency Project: 2000*, <https://perma.cc/R9JN-ZPG3>.

<sup>18</sup> *Minnesota’s Historic 2008 Election*, MINN. SEC’Y OF STATE, <https://perma.cc/3UTT-CG9W>.

<sup>19</sup> *Closest Election in Senate History*, U.S. SENATE, <https://perma.cc/WFS2-9FRU>.

<sup>20</sup> Voluntary National Standards for Election Audits – A Practical Guide at 3, <https://perma.cc/6UNF-KLH3>.

<sup>21</sup> *Id.* at 6.

At present, the federal government’s primary election data tools, including the Election Administration and Voting Survey (“EAVS”), do not collect standardized information on alien registrations, the legal authority under which they are maintained, or whether they are flagged to prevent participation in federal elections. Without this data—and without audit guidance addressing the issue—neither the EAC nor the public can assess the scope of the risk or evaluate the effectiveness of existing safeguards.

The proposed Voluntary National Election Audit Standards should therefore encourage states to include citizenship verification in post-election audits. Consistent with the “Competence” standard—which requires audit teams to have the knowledge, skills, and experience necessary to conduct audits effectively—the guidance could specify the expertise needed for this work, such as familiarity with federal immigration databases and voter registration systems. In practice, citizenship verification audits could involve cross-referencing voter rolls with relevant federal databases, reviewing how registrants attest to citizenship during registration, and sampling ballots to confirm that voters’ citizenship status was properly verified.

The EAC’s authority to include citizenship verification in its audit standards flows from HAVA’s mandate that states maintain computerized statewide voter registration databases that are “uniform, official, centralized, interactive computerized statewide voter registration list[s]” that accurately reflect the eligibility of registered voters.<sup>22</sup> HAVA further requires that states “perform list maintenance” to remove ineligible voters.<sup>23</sup> The EAC’s voluntary guidance and audit standards are squarely within its HAVA mandate when they assess whether states’ list-maintenance and eligibility-verification processes are functioning as HAVA requires.<sup>24</sup> The citizenship verification audit guidance recommended here does not impose new eligibility requirements—those are set by state law and the NVRA—but rather provides a framework for assessing whether existing eligibility requirements are being implemented and audited effectively.

#### **IV. The Standards Must Include Ballot Drop Box Security Audits**

The widespread adoption of ballot drop boxes in recent election cycles has introduced new vectors for potential fraud, chain-of-custody failures, and administrative irregularities.

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<sup>22</sup> See 52 U.S.C. § 21083(a)(1)(A).

<sup>23</sup> 52 U.S.C. § 21083(a)(2)(A).

<sup>24</sup> 52 U.S.C. § 20922 (charging the EAC to serve as “a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections” and expressly directs the EAC to develop and disseminate voluntary guidance regarding HAVA statute sections including Section 21083).

The proposed Voluntary National Election Audit Standards commendably address general security principles, including ballot handling procedures, chain-of-custody documentation, venue security, and access control. For example, the “Security” standard provides that “[a]udits should follow established security best practices and be conducted with trusted technology and personnel,” and the accompanying discussion addresses chain-of-custody logging, venue security, and access control measures.<sup>25</sup>

However, these general provisions do not specifically address the unique security challenges posed by ballot drop boxes as remote, unattended collection points. Specifically, the proposed standards lack guidance on auditing the security, surveillance, and chain-of-custody protocols at these collection points.

Ballot drop boxes have become a significant ballot-return channel in recent election cycles. The EAC’s 2022 Election Administration and Voting Survey reported that nearly 13,000 drop boxes were available to voters, and, among states able to track data, approximately 40% of mail ballots were returned at drop boxes.<sup>26</sup> The physical security of drop boxes—including chain-of-custody logging, surveillance, and tamper-evident sealing—falls within the EAC’s established best-practices guidance authority. The EAC itself has previously published Chain of Custody Best Practices guidance that identifies continuous documentation of ballot handling as “a best practice for chain of custody procedures to be clearly defined in advance of every election, well documented and followed consistently throughout the entire election lifecycle.”<sup>27</sup> Audit standards that assess compliance with these best practices for drop box-specific collection points are a natural and well-authorized extension of the EAC’s existing guidance framework.

AFL urges the EAC to encourage jurisdictions to evaluate whether ballot drop boxes were subject to continuous video surveillance, whether chain-of-custody logs were maintained documenting each collection and transfer of ballots, whether collection schedules were adhered to and documented, and whether any evidence of tampering, unauthorized access, or ballot harvesting was identified. In particular, audits of drop box security should assess, at a minimum, whether each jurisdiction’s drop boxes are secured by: (a) surveillance cameras monitoring the drop box during all hours of availability; (b) tamper-evident seals on the ballot compartment; (c) law enforcement or security patrols; and (d) bipartisan chain-of-custody logs documenting each collection. These four elements represent established best practices in drop-box administration and directly address the security concerns that have generated public controversy over drop-box use in recent election cycles.

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<sup>25</sup> Voluntary National Standards for Election Audits – A Practical Guide at 28.

<sup>26</sup> U.S. ELECTION ASSISTANCE COMM’N, *Election Administration and Voting Survey 2022 Comprehensive Report* at ii (2023), <https://perma.cc/U3ZM-PH6N>.

<sup>27</sup> U.S. ELECTION ASSISTANCE COMM’N, *Chain of Custody Best Practices* at 2 (July 12, 2021), <https://perma.cc/NQ5N-E2PB>.

Drop box security is a matter of particular public concern, and the absence of audit guidance in this area undermines the comprehensiveness of the proposed standards.

## V. The Standards Must Include Signature Verification Audit Procedures

Signature verification is one of the primary safeguards against fraudulent mail-in and absentee ballots. The proposed Voluntary National Election Audit Standards acknowledge the existence of signature verification in passing, as the sample language for the “Privacy/Confidentiality” standard references the need to “protect voter signatures during ballot signature verification, limiting access and disclosure to authorized personnel only.”<sup>28</sup> But acknowledging that signature verification occurs is not the same as providing guidance on how to audit whether it is being performed effectively and consistently.

In jurisdictions that rely on mail-in or absentee voting, the integrity of the election depends in substantial part on whether signatures on ballot envelopes are properly compared against signatures on file and whether ballots with mismatched or missing signatures are handled in accordance with applicable law. Critically, audit standards must distinguish between non-matching signatures and missing signatures, as these are fundamentally different phenomena with different policy implications. Non-matching signatures may indicate that someone other than the registered voter completed or submitted the ballot, raising the possibility of fraud or forgery. Missing signatures, by contrast, typically reflect voter error or procedural failure. Collapsing these categories into a single metric—as has been proposed in other federal election-data instruments—would obscure the very distinctions that a rigorous signature verification audit is designed to detect.

The discussion of “Standardization” provides that “[a]udits should be a standardized part of the election process that can be planned for in the regular course of election preparation,” and recommends that jurisdictions develop “comprehensive checklists and detailed Standard Operating Procedures (SOPs).”<sup>29</sup> Signature verification is precisely the type of process that benefits from standardized audit procedures and detailed SOPs.

AFL urges the EAC to encourage jurisdictions to evaluate the rate at which signatures are challenged and the disposition of challenged ballots; the training and qualifications of personnel responsible for signature comparison; the use of automated signature verification technology and its accuracy rates; and the procedures for notifying voters of signature deficiencies and providing opportunities to cure.

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<sup>28</sup> Voluntary National Standards for Election Audits – A Practical Guide at 27.

<sup>29</sup> *Id.* at 19.

Audit standards for signature verification should therefore include, at minimum: (1) separate reporting of ballots rejected for missing signatures versus non-matching signatures; (2) documentation of the cure procedures applied in each category and the outcome; (3) for jurisdictions using automated signature verification technology, a review of the system's rejection-rate calibration, its false-positive and false-negative rates where available, and the scope of human secondary review for automated rejections; and (4) a random-sample comparison of adjudications made by signature verification personnel to assess consistency of application. These specific metrics would allow jurisdictions and the public to assess not only whether signatures are being checked, but whether the checking is being performed accurately and consistently. Without this level of specificity, signature verification audit guidance will be too general to improve actual practice.

The omission of signature verification from the audit standards is particularly concerning, given the dramatic expansion of mail-in voting in recent years. Without rigorous auditing of signature verification processes, there is no assurance that this critical safeguard is functioning as intended. AFL strongly urges the EAC to include comprehensive guidance on signature verification audits in the final standards.

## **VI. Conclusion**

The proposed Voluntary National Election Audit Standards represent a commendable effort by the EAC to bring greater consistency and rigor to the highly decentralized landscape of American election administration. The organizational framework—built around the principles of Objectivity, Professionalism, Effectiveness, Security, and Accountability—provides a strong foundation for guiding jurisdictions in conducting meaningful election audits. AFL supports this initiative and recognizes that voluntary, principle-based guidance of this nature can play an important role in restoring and maintaining public confidence in elections.

However, as explained above, the proposed standards contain significant omissions that are at odds with their own principles. Specifically, the EAC should incorporate audit guidance addressing voter citizenship verification, ballot drop box security, and signature verification processes. These are among the most pressing election integrity concerns facing the nation, and audit standards that fail to address them will be incomplete and insufficient to achieve their stated purpose.

AFL urges the EAC to finalize the Voluntary National Election Audit Standards, incorporating the additions recommended in this comment, to ensure the final product provides comprehensive, credible guidance that empowers states and localities to conduct meaningful election audits that address the full spectrum of integrity risks.

Respectfully submitted,  
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