

## EO 14399 Ensuring Citizenship Verification and Integrity in Federal Elections 03-31-26

### **Objectives:**

1. Enforce the laws that guarantee a republican form of Government to every State in the Union (Constitution Article IV, Section 4)
2. Ensure that only citizens vote in Federal elections
3. Make mail-in and absentee ballots accountable and traceable.
4. Enforce Federal law (Constitution Article II)

### **Advantages:**

1. uses laws already in place (though not always emphasized or enforced), listed later.
2. places no financial burden on the states: USPS, federal agency, must coordinate with SSA and DHS Systematic Alien Verification for Entitlements (SAVE) to assemble and check current voters based on Social Security Numbers and current addresses.
3. USPS already uses bar codes on much of the regular mail delivered to customers.
4. State DMV's are already required to issue Real ID compliant drivers licenses and Identification cards (Real ID Act 2005).

### **Challenges:**

1. With only six and one half months before the next Federal election, coordination between DHS, SSA, Postmaster General and Secretary of Commerce must happen quickly (within 90 days from 03/31/26) to avoid getting States bogged down because of the Federal Government, and give each state ample time to figure out how many mail-in and absentee ballots will be required by September 3, 2026 (60 days prior to the Federal election).
2. Individual States will need to begin preparations, including advertising to their citizens about the need to determine who will need mail-in and absentee ballots. Elderly and infirm will probably need mail-in ballots, and that number should be identified fairly quickly (assuming States begin work now). Revisions for those who become infirm or die between now and the November election will be part of the back and forth between DHS and the States Election officials as the election draws near. Voter Roll cleanup is part of this E.O.
3. This will also require input from the DOD for estimates of how many active duty (and contractor) personnel will need absentee ballots. Because DHS must have infrastructure in place within 90 days of March 31, 2026, to be able to supply the States (and DOD) with State Citizenship List, consideration should also be given to how to train all personnel involved in this chain of command and chain of custody. DOD active duty personnel are already familiar with having to maintain secure control of various items, it should not require extensive familiarization (except with the new forms and training for election officials in individual units). Chain of custody and the mechanics of transporting absentee ballots will require attention.
4. There are active and potential lawsuits that might stand in the way. New Jersey legislators (large number) have written a letter to the Postmaster General to coerce him to not comply with the Exec. Order, saying it is unconstitutional intrusion on states rights. Expected talking points are spewed.

**Opinion:** When the Save America Act gets past the Senate and signed by the President, this could close the remaining hole in the Election Integrity Problem. It would still be a good idea to get it codified into law.

Concurrently, expect to see multiple lawsuits filed by states who have a vested interest in keeping mail-in and absentee ballots as potential "soft spots" in our election integrity and fairness.

**National Voter Registration Act of 1993** – only eligible citizens should be able to vote in Federal elections. Participation of eligible citizens as voters should be enhanced, not discouraged. Accurate and current voter registration rolls shall be maintained.

**HAVA 2002** – Originally intended to pay states to replace punch card (hanging chads) and lever voting machines.

1. 0.5% of the total amount appropriated for replacing voting machines, nationally, plus an amount proportional to the state's population.

Ex. If a total of \$1000 is appropriated for replacing voting machines, and if Texas has 3 million voting age citizens, and if the entire United States has 100 million voting age citizens, Texas should receive:

$(0.005 \times 1000)$ , plus  $(1000 - (.005 \times 50 \times 1000)) \times (3/100)$ , or a total of  $(\$5 + (750 \times 3/100)) = \$27.50$ .

If California has 10 million voting age citizens, California should receive:

$(.005 \times 1000)$ , plus  $(1000 - 250) \times 10/100$ , or a total of  $(\$5 + (750 \times 10/100)) = \$80.00$ .

If Montana has 800,000 voting age citizens, Montana should receive:

$(0.005 \times 1000) = \$5$ , plus  $\$750 \times .8/100$ , or a total of  $(\$5 + \$6) = \$11.00$

**The REAL ID Act of 2005** – passed to increase security of passengers and all other citizens after 9/11. To get a REAL ID (drivers license or identification card issued by State DMV) requires proof of identity, date of birth, social security number, lawful status, and primary residence address, verifying the authenticity of the documents presented for issuance, etc.

**18 USC 241** – makes it a crime to conspire to cheat, injure, oppress anyone in the US and territories, preventing the free exercise of any Constitutional right or privilege.

**18 US Code 611** – makes it a crime for any alien to vote for Federal offices: President, VP, Senator, Congressman, Delegate from DC, etc. Does not infringe on state or local entities from allowing aliens to vote in local elections.

**18 US Code 1015** – makes it a crime to make a false statement relating to naturalization, citizenship, or registry of aliens; I.E. voters registration forms or cards.

**52 USC 20511** – makes it a crime to intimidate, threaten or coerce anyone preventing them to lawfully register to vote; also makes it a crime to submit voters registration applications known to be false or fraudulent; also makes it a crime to procure, produce or cast ballots known to be false, fictitious or fraudulent.

**42 USB 1320 a-7** – provides the funding mechanism for those agencies and departments whose workloads increase as part of this effort, ex. Additional manpower and computing power required for databases and special envelopes and bar coding machines.

**18 USC 2a** – makes anyone who aids, abets or causes someone else to commit a crime, can be prosecuted as if that person is the one who committed the crime (alone).

**Constitution Article II section 3** – requires that the President and in the executive department faithfully execute all laws, those who do not will probably be fired and prosecuted.

Secretary of Homeland Security, through the Director of United States Citizenship and Immigration Service (USCIS) shall, in coordination with the Commissioner of the SSA, compile and transmit to the chief election official of each State, a list of individuals confirmed to be United States citizens who will be above the age of 18 at the time of an upcoming Federal election and who maintain a residence in the subject State (State Citizenship List).

This list shall be compiled from Federal citizenship and naturalization records, SSA records, SAVE data, and other relevant Federal databases. This State Citizenship List shall be updated and transmitted to State election officials no later than 60 days prior to each regularly scheduled Federal election, or promptly upon request by a State in connection with any special Federal Election.

**State Election Officials** must provide to the USPS a list of voters eligible to vote in a Federal election to whom the State intends to provide a mail-in or absentee ballot – NO less than 60 days prior to the election.

The USPS shall not transmit mail-in or absentee ballots from individual not on the State supplied list. The USPS shall have procedures to enable State election officials to update and modify the State's Mail-in and Absentee Participation list.

**The Attorney General** provide guidance to election officials (training and guides).

**The Secretary of Homeland Security** shall provide the infrastructure necessary to compile, maintain, and transmit the State Citizenship Lists, and provide a point of contact within DHS to receive and process requests from individuals and State Election officials concerning the lists.

**The Commissioner of the Social Security Administration** shall provide all necessary citizenship and identity data to the Secretary of Homeland Security.