

Trump Executive Order Proposes Unconstitutional Overreach to Restrict Mail-In Voting

On March 31, 2026, President Trump signed an [executive order](#) proposing to restrict mail-in voting ahead of this year's midterm elections. The order requires federal agencies to create a list of confirmed U.S. citizens who are eligible to vote in each state. The agencies would send the approved list of voters to states before each federal election. The order would also prohibit the U.S. Postal Service from delivering mail ballots to or from any voter not on a list prepared by the state ahead of the election. Federal law enforcement would prioritize investigation and prosecution of election officials who provide ballots to individuals federal authorities deem ineligible to vote in federal elections.

Though the U.S. Constitution gives primary authority over election administration to the states and no authority to the Executive Branch, President Trump proposes to impose substantial restrictions on a popular, secure form of voting and threaten federal law enforcement intervention if state and local officials don't comply with his administration's determination of who is eligible to vote. Among the biggest proposed changes, the order would:

- Require the Department of Homeland Security to compile a list of voters, using Social Security records, the Systematic Alien Verification for Entitlements (SAVE) program and other federal data sources, in each state who are eligible to vote in federal elections. The order defines eligible voters as confirmed U.S. citizens who will be at least 18 by the date of the federal election who reside in the state.
- Direct the Attorney General to prioritize the investigation and prosecution of election officials who give federal election ballots to individuals who are not eligible to vote in federal elections.
- Require the U.S. Postal Service (USPS) to coordinate with state election officials to create a list of approved mail-in or absentee voters ahead of each federal election, and much sooner than any state's current mail ballot application deadline. The USPS would only deliver ballots to or from voters on the pre-approved list. Ballot envelopes would have unique, trackable identifiers.

Below is a sectional analysis of the executive order.

Section	Content
1	<p><u>Purpose and Policy</u> - Cites federal statutes providing that non-citizens are prohibited from voting in federal elections. Social Security Administration (SSA) records and the Department of Homeland Security's (DHS) Systematic Alien Verification for Entitlements (SAVE) program can assist in verifying identity and federal election voter eligibility.</p> <p>Claims a federal government duty under Article II to enforce federal law. To enhance election integrity via the U.S. mail, additional measures are necessary. Secure ballot envelope identifiers provide a reliable, auditable mechanism to enforce federal law without unduly infringing the rights of eligible voters and will reduce the risk of fraud to protect election integrity.</p>
2	<p><u>Establishment and Transmission of State Citizenship Lists and Prioritization of Investigations and Prosecutions Related to Election Fraud</u> - To the extent feasible and consistent with applicable law, the Secretary of Homeland Security, through the Director of U.S. Citizenship and Immigration Services and the Commissioner of SSA, will compile a list of individuals confirmed to be U.S. citizens who will be 18 or older at the time of the next federal election and who reside in the subject state (State Citizenship List). The list will be based on federal citizenship and naturalization records, SSA records, SAVE data, and other relevant federal databases. The list must be updated and sent to the chief election official in each state no later than 60 days before each regularly scheduled federal election, or promptly on request by a state in connection with a special federal election.</p> <p>The Secretary of Homeland Security must establish procedures to allow individuals to access their individual records and update or correct them ahead of elections and enable states to routinely supplement and provide suggested modifications to the State Citizenship List. An individual's identification on the list does not mean they are properly registered to vote in the state. Individuals must follow state and federal laws to register. State laws not reflected in the State Registration List may preclude registration.</p> <p>Under this order, an individual is "eligible to vote in a federal election" if they are a U.S. citizen, 18 or older by the date of the election, and otherwise qualified under state law. The U.S. Attorney General will prioritize the investigation and prosecution of state and local officials or any others involved in the administration of federal elections who issue federal ballots to individuals not eligible to vote in a federal election. The AG will also prioritize the</p>

investigation and prosecution of individuals and entities who aid or abet the printing, production, shipment, or distribution of ballots to individuals who are not eligible to vote in a federal election.

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United States Postal Service Rulemaking on Mail-In and Absentee Ballots - The Postmaster General must initiate a proposed rulemaking within 60 days of the date of this order. The notice of rulemaking must include:

- Requirements that all outbound ballot mail must be in an envelope that:
 - Is marked as Official Election Mail;
 - Is automation-compatible and bears a unique Intelligent Mail barcode, or similar technology, that facilitates tracking; and
 - Has undergone a mail envelope design review by the USPS to ensure compliance with mailing standards, including barcode placement.
- Requirements that, no later than 90 days before a federal election, a state may notify USPS if it intends to allow mail-in or absentee ballots to be transmitted by USPS. As part of the notification, the state should indicate whether it intends to submit to USPS, no later than 60 days before the election, a list of voters eligible to vote in a federal election in the state whom the state intends to provide a mail-in or absentee ballot to be transmitted via USPS.
- Requirements that **USPS will not transmit mail-in or absentee ballots from any individual unless those individuals have been enrolled on a state-specific list** described in the next subsection.
- Requirements that **USPS will provide each state with a list of individuals (Mail-In and Absentee Participation List) who are enrolled with the USPS for mail-in or absentee ballots provided by the state, along with unique ballot envelope identifiers, for ballots provided to such individuals.**
- Requirements that each state may routinely supplement and provide suggested modifications to the state's Mail-In and Absentee Participation List before a federal election.

The USPS will coordinate with the USPS Office of the Inspector General and the Department of Justice (DOJ) for investigation of suspected unlawful use of the mail involving federal election materials.

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Implementation - The Secretary of Homeland Security, Commissioner of SSA, and the Postmaster General will coordinate with the Secretary of Commerce on implementation of this order.

The Attorney General will enforce compliance with applicable federal statutes and provide guidance to election officials, contractors, individuals involved in

administration of federal elections, or public and private entities engaged in the printing, production, shipment, or distribution of ballots.

The Secretary of Homeland Security shall, within 90 days of this order, establish the infrastructure necessary to compile, maintain, and transmit the State Citizenship List and designate a point of contact within DHS to receive and process requests from individuals and state election officials regarding the relevant State Citizenship List. The Commissioner of SSA will provide citizenship and identity data to the Secretary of Homeland Security in support of this requirement.

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Enforcement - The Attorney General and executive department heads will take all lawful steps to deter and address noncompliance with federal law, including withholding federal funds from noncompliant states and localities where authorized by law. Evidence of violations of federal laws may be referred to DOJ. States and localities should preserve all records and materials evidencing participation in a federal election for a 5-year period.

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Severability - If any provision of the order is held to be invalid, the remainder of the order shall remain in effect

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General Provisions - Nothing in this order shall be construed to impair or otherwise affect:

- Any authority granted by law to an executive department or agency;
- The functions of the Director of the Office of Management and Budget;

The order will be implemented consistent with applicable law and subject to the availability of appropriations.

The order does not create any right or benefit enforceable at law or equity by any party against the United States, or its departments, agencies, entities, officers, employees, agents, or any other person.

Voting Rights Lab is a nonpartisan, 501(c)(3) nonprofit, state-focused organization with a national perspective. Our comprehensive election policy analysis, research, and data provide uniquely actionable insights to our partners and the public.