

Explainer: Executive Order on Mail-in Ballot Rules and Federally-created Voter Eligibility Lists

How the March 2026 Executive Order Would Restrict and Centralize Control of Mail-in Voting

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Overview

This explainer provides an overview and analysis of President Trump’s March 31, 2026 Executive Order titled “[Ensuring Citizenship Verification and Integrity in Federal Elections](#).”

The executive order would significantly change how federal elections, particularly mail-in voting, would be administered. It directs the Department of Homeland Security (DHS) to create state-by-state lists of eligible voters for federal elections, drawing from federal databases that have well-documented accuracy issues. It also instructs the Department of Justice (DOJ) to prioritize investigating and prosecuting election officials who provide ballots to individuals the federal government considers ineligible. In addition, the order requires the U.S. Postal Service to work with states to establish pre-approved lists of mail-in voters well in advance of elections—earlier than current state deadlines—and to limit ballot delivery only to voters on those pre-approved lists.

This executive order is a part of President Trump’s broader [election takeover effort](#), relying on false voter fraud narratives as its justification. He and his allies are seeking to change the rules about who can vote and how, while expanding the role of the executive branch in overseeing elections. It would shift authority away from state and local election officials and toward political appointees in Washington, raising constitutional concerns and breaking from the long-standing norm that states run their own elections as [established by Article I, Section 4 of our Constitution](#). This shift also raises security concerns, as experts [widely agree](#) that the decentralized nature of U.S. elections makes them more resilient to foreign and domestic interference.

The order is an attack on mail-in voting, which is a critical part of how Americans participate in elections. In 2024, [nearly one-third of voters](#) cast their ballots by mail – including about one in four Republican voters – and in eight states, more than 70% of ballots were [cast by mail](#). Mail-in voting has been widely utilized safely and securely for decades in both Red and Blue states, including battleground states, with multiple safeguards such as ballot tracking, signature verification, and strict chain-of-custody procedures. There is [no evidence](#) of widespread mail-in voting fraud, and the system continues to work reliably for voters across the country.

The order could also lead to voter confusion and disenfranchisement, particularly among the tens of millions of voters ([48 million in 2024](#)) who rely on mail-in voting. New federal eligibility lists, tighter mail voting rules, and earlier deadlines could make it harder for eligible voters to cast ballots. At the same time, the changes would be extremely difficult—if not impossible—to carry out, as the executive order imposes unrealistic timelines; creates sweeping unfunded mandates; sets up conflicts with existing state laws and election calendars; and requires extensive coordination across federal, state, and local agencies.

It also raises privacy concerns. Centralizing sensitive voter data into lists created and controlled by political appointees in Washington, DC increases the risk of exposure. Meanwhile, the threat of federal investigations or prosecution could discourage election officials from doing their jobs. Finally, the order targets problems that simply do not exist—mail voting fraud and noncitizen voting are already illegal and [extremely rare](#)—while disrupting election systems that are already working well. This risks undermining voter confidence rather than strengthening it.

Analysis

Section 2: DHS Creation of State Citizenship Lists

What it would do

The executive order directs DHS to compile a federal list of individuals confirmed to be U.S. citizens and deemed eligible to vote in each state. The list would take into account information from the Social Security Administration (SSA) records, Systematic Alien Verification for Entitlements (SAVE) data, and federal citizenship and naturalization records. This list would be shared with states to identify who is eligible to vote in federal elections, but being on the list does not mean someone is registered. They would still need to register under state law. This would create a parallel federal eligibility infrastructure on top of existing state voter rolls.

Why this is concerning

Inaccuracy and risk of errors that disenfranchise voters: The databases that DHS would rely on to compile this list, including the SAVE system, are known to contain outdated and incorrect data, meaning that eligible citizens could be mistakenly flagged as noncitizens or ineligible. These systems were not designed for voter eligibility determinations and often lack complete or up-to-date information. As [seen in multiple states already](#), relying on these systems at scale increases the risk of errors that could prevent eligible voters from registering or casting a ballot.

Privacy concerns: This provision would centralize sensitive personal data within executive branch-controlled lists, raising significant privacy risks and potentially violating states' privacy laws. States have already pushed back for months on [demands from the DOJ to share private](#)

[voter information](#), despite the DOJ filing lawsuits against 29 states. Building a national database of this kind increases the risk of misuse, exposure, or unauthorized access to voter data.

Centralization of control: The order shifts influence over voter eligibility from state and local election officials—who are trusted by voters—to federal agencies and political appointees in Washington. This represents a major departure from the long-standing system in which states administer elections and determine voter eligibility under their own laws. This provision also likely contradicts [Article I of the Constitution](#), which gives election authority to the states, not the executive branch.

Section 3: New USPS Rules and Processes for Mail-in Ballots

What it would do

The order directs the USPS to create new rules for mail-in and absentee ballots. States would need to submit to USPS a list of eligible voters whom the state intends to provide a mail-in ballot by 60 days before the election. USPS would only send or receive ballots for voters on those state-provided lists, and it would provide each state with a corresponding participation list with unique ballot identifiers. States could update or suggest modifications to these lists before the election.

Why this is concerning

Requiring ballots to go to pre-approved mail-in voter lists (60 days before election day) creates an earlier federal cutoff that could block eligible voters who register or request ballots under their state's normal deadlines. While states may update these lists, the order provides no clarity on how those updates would work in practice. As a result, voters who move, register closer to election day, change their name, or are mistakenly left off the list may be blocked from receiving a ballot by mail. This provision would cause significant complications for the seven states and Washington, DC with universal vote by mail systems, because their systems rely on continuously updating voter rolls and automatically sending ballots to all eligible voters.

More broadly, the order would shift control over key parts of the election process from states to a federal body, USPS, undermining state authority over elections and bypassing Congress, which has primary authority to set postal policy. It would create a parallel federal eligibility infrastructure on top of existing state voter rolls. The order also puts new responsibilities on USPS, which the Postmaster General has [recently warned](#) is running out of money, creating an unfunded mandate on the Postal Service to manage ballots and coordinate with states under tight deadlines. Lastly, requiring states and local jurisdictions to create and maintain these voter lists, along with the tracking code requirements, adds a major administrative burden without extra funding, training, or time.

Section 4: Implementation of the Order

What it would do

This section sets up the coordination framework for carrying out the Executive Order, including direct coordination between the DHS Secretary, SSA Commissioner, Postmaster General, and the Secretary of Commerce. It instructs the DHS Secretary to establish the necessary infrastructure to compile, maintain and transmit the federal State Citizenship Lists within 90 days of this order, and directs the Attorney General to begin issuing guidance on compliance.

Why this is concerning

The implementation timelines for the Executive Order place unrealistic standards and expectations. Building new federal eligibility databases, creating new USPS tracking infrastructure, and requiring states to integrate these systems cannot be accomplished effectively and accurately without significant time, funding, and coordination, which the order does not provide. Election administrators, who work on tight budgets and timelines with primary elections already underway, would be left with no additional support or funding. Introducing new federal requirements that conflict with state laws and practices and that do not provide adequate time risks creating administrative chaos heading into the 2026 midterms.

Section 5: Enforcement - Criminal Penalties for Election Officials

What it would do

The order directs the Attorney General and other federal agencies to address noncompliance, including investigation, prosecution, and withholding federal funds from noncompliant states or localities. It also directs the Attorney General to prioritize investigating and potentially prosecuting election officials who provide federal ballots to individuals the federal government considers ineligible to vote, by virtue of their citizenship status or age.

Why this is concerning

By threatening the possibility of criminal prosecution, election administrators face an additional level of scrutiny, fear, and risk when making routine eligibility determinations. Given that the DHS voter eligibility lists the Executive Order relies on would contain inaccuracies, officials could be prosecuted for correctly following the law while providing a ballot to a voter that the federal list incorrectly flags. This provision hands the executive branch a powerful instrument for partisan pressure and a tool for intimidation in key jurisdictions.

Furthermore, officials who fear being targeted may decide that the risk of prosecution outweighs their role in the community, leaving their positions as a result. This provision could contribute to



the [high turnover rate](#) among election officials that has accelerated since 2020 as a result of the heightened stress, intimidation, and harassment.

Conclusion

This executive order is part of President Trump's broader [election takeover playbook](#), using debunked conspiracy theories to justify taking executive branch control over who can vote by mail to tilt the playing field. Rather than improving election integrity, it risks disenfranchising eligible voters, creating confusion, and undermining established, proven election systems. By centralizing authority in federal agencies like DHS, DOJ, and USPS, imposing unrealistic deadlines, and threatening election officials with prosecution, the order disrupts normal election administration and erodes public confidence.

While it will almost certainly face court challenges and is likely unconstitutional, the order's real impact may come from the confusion, litigation, and distrust it may cause ahead of the 2026 elections. It is also part of President Trump's broader goal of signaling the restrictive measures he wants included in the election legislation that Congress is currently considering and which he is [pressuring](#) members of his own party to pass. This order [highlights the need](#) for Congress to reassert its constitutional authority and check executive efforts that would limit Americans' ability to vote or interfere with state-run elections.