

**United States House of Representatives
Committee on Homeland Security
Subcommittee on Cybersecurity and Infrastructure Protection**

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Ranking Member Thompson and Members of the Committee, thank you for inviting me to testify about this important matter.

At Protect Democracy United, I serve as the Director of Impact Programs for Civic Space and the Rule of Law. Protect Democracy United is a non-partisan non-profit organization with the mission of preventing the United States from declining into a more authoritarian form of government. We combat authoritarianism through strengthening the pillars of democracy, and that work begins with ensuring that our elections are free of interference, and that Americans of all stripes are free to get informed, speak, dissent and advocate within the public square.

The upcoming 2026 elections will take place in an unprecedented moment in our country. For the first time in modern history, an authoritarian figure has the full backing and power of the federal government at his disposal. While the first Trump administration included individuals who occasionally checked or redirected the President's demands, this second Trump administration operates on a system solely built on loyalty to one person, not the Constitution or rule of law. Further enabled by a Supreme Court that in 2024 granted the president sweeping immunity from criminal prosecution¹ and by a unified majority in Congress that has shown little appetite for checking the Executive, the administration has been trying to enact the modern authoritarian playbook.²

When it comes to elections, that playbook is clear: Authoritarian leaders who have risen to power in the 21st century do not hold onto power by cancelling elections. Instead, they continue to hold elections, and use their repeated victories to justify an ongoing claim to power.³ But the outcome of those elections is never truly in doubt. In these "competitive authoritarian" states, the electoral playing field has been tilted — by sidelining opponents and rigging the rules — to ensure the authoritarian's victory.

To be clear, that strategy can be stopped. We saw a powerful example just this month when the people of Hungary elected Peter Magyar by wide margins and overthrew the 16-year-long rule of Viktor Orbán.⁴ They did this despite extensive manipulation of the electoral system to favor Orbán's party and capture of the major media outlets by Orbán's allies.

Furthermore, the U.S. electoral system has many strengths: The decentralized system for running elections, in which state and local officials administer and oversee elections pursuant to federal and state laws, is resistant to capture. The media ecosystem remains diverse and largely

¹ *Trump v. United States*, 603 U.S. 593 (2024).

² Protect Democracy, *The Authoritarian Playbook* (2022)

³ Steven Levitsky & Lucan A. Way, *The New Competitive Authoritarianism*, 31 J. Democracy 51 (2020).

⁴ Ashifa Kassam & Flora Garamvolgyi, *Hungarian opposition ousts Viktor Orbán after 16 years in power*, The Guardian (Apr. 12, 2026), <https://www.theguardian.com/world/2026/apr/12/viktor-orban-concedes-defeat-as-opposition-wins-hungarian-election>.

free, despite ongoing and unprecedented media consolidation and efforts from administration figures like FCC Chair Brendan Carr to pressure the media not to criticize the administration or give airtime to its opponents. And many sectors of civil society have remained relatively resilient in the face of pressure to be silenced.

Nonetheless, we should take seriously the risk posed by a federal government dedicated to the project of tilting the electoral playing field, and prepare to address it. The Trump administration's attacks on this fall's election are already underway. They are following a strategy attempted in 2020, honed by the election denial movement in 2022 and 2024, and now equipped with the full power of the federal government: First, **deceive** the public about the trustworthiness of the election to manufacture pretext for federal intervention; second, **disrupt** the electoral playing field by manipulating election rules and silencing political activity; and finally, **deny** election outcomes and seek to overturn election results they don't like.⁵

In this testimony, I will illustrate how the Trump administration's deceive, disrupt, deny strategy is already underway and what might come next. Finally, I will expand on how Members, state and local officials, civil society, and individual citizens can prepare for and respond to these scenarios, with the goal of ensuring that our elections are free and fair.

Deceive: How the Trump Administration is Supercharging Election Lies

Election subversion starts with a lie: that elections themselves are not trustworthy. In 2020, the "Big Lie" that fueled the January 6 attack on the Capitol was that Donald Trump was the true winner of the 2020 election and that Trump's victory was stolen by fake ballots being somehow inserted into the count across the swing states.⁶ The unsuccessful effort to overthrow the 2020 election metastasized into the election-denial movement, which pushed state law changes,⁷ fueled attacks on state and local election officials,⁸ and led to an unprecedented number of efforts to halt election certification between 2021 and 2024.⁹ But until now, election denialism was a movement largely led by outsiders—fringe actors, online communities, and

⁵ Ben Berwick, Jessica Marsden & Justin Florence, Protect Democracy, *Executive Override* 11 (March 2026), <https://protectdemocracy.org/wp-content/uploads/2026/03/2026-Elections.pdf>.

⁶ Melissa Block, *The clear and present danger of Trump's enduring 'Big Lie'*, Nat'l Pub. Radio (Dec. 23, 2021), <https://www.npr.org/2021/12/23/1065277246/trump-big-lie-jan-6-election>.

⁷ States United Democracy Ctr. et al., *A Democracy Crisis in the Making* (updated June 2023 ed.), <https://statesunited.org/resources/democracy-crisis-june-2023/>.

⁸ Brennan Ctr. for Just. & Bipartisan Pol'y Ctr., *Election Officials Under Attack* (June 16, 2021), https://www.brennancenter.org/media/7794/download/BCJ-129%20ElectionOfficials_v7.pdf.

⁹ Emily Rodriguez et al., Protect Democracy, *Election Certification is Not Optional: Why refusing to certify the 2024 election would be illegal* (2024), https://protectdemocracy.org/wp-content/uploads/2024/03/PD_County-Cert-WP_v03.1.pdf.

hyper-partisan media. Most of the election-denial candidates running in 2022 for positions of control over elections lost their races.¹⁰

Today, the lies and conspiracies are coming from inside the White House. Since taking office in January 2025, the second Trump administration has institutionalized election denialism, stocking the executive branch with loyalists who actively promote the falsehood that the 2020 election was stolen and that our election system cannot be trusted.¹¹ And the administration is not simply repeating old lies; it is using the investigative and enforcement powers of the executive branch to manufacture the appearance of evidence for those debunked lies, to sow public doubt about the integrity of the upcoming midterms, and to lay the groundwork for contesting any results it does not like.¹²

To take just one example, the administration has launched new investigations into the 2020 election, casting doubt both on the outcome of that election and the reliability of the election process itself. In January 2026, the FBI raided an election office in Fulton County, Georgia, and seized hundreds of boxes of state election materials.¹³ When the search warrant affidavit was unsealed, it turned out to be based on misleading claims that omitted key findings from prior investigations into the 2020 election.¹⁴ Former Attorney General Bondi thereafter appointed the U.S. attorney who obtained the search warrant to lead election-integrity investigations nationwide,¹⁵ and the administration has leveled similar demands for election records in Maricopa County, Arizona,¹⁶ and Wayne County, Michigan.¹⁷

¹⁰ Ned Parker & Joseph Ax, *Trump-inspired bids to take over elections in key U.S. states fall flat*, Reuters (Nov. 13, 2022), <https://www.reuters.com/world/us/trump-inspired-bids-take-over-elections-key-us-states-fall-flat-2022-11-13/>.

¹¹ Doug Bock Clark & Jen Fifield, *Inside Trump's Effort to "Take Over" the Midterm Elections*, ProPublica (Apr. 13, 2026), <https://www.propublica.org/article/trump-midterm-elections-takeover>.

¹² Carol Leonnig, Laura Barrón-López & Vaughn Hillyard, *White House directing DHS to hunt for voter fraud by naturalized citizens: Sources*, MS NOW (Feb. 18, 2026), <https://www.ms.now/news/memo-shows-white-house-directing-dhs-to-hunt-for-voter-fraud-by-naturalized-citizens>.

¹³ Maya Homan, *Fulton County officials file lawsuit seeking return of 2020 ballots taken during FBI raid*, Ga. Recorder (Feb. 4, 2026), <https://georgiarecorder.com/briefs/fulton-county-officials-file-lawsuit-seeking-return-of-2020-ballots-taken-during-fbi-raid/>.

¹⁴ Gowri Ramachandran, Brennan Ctr. for Just., *Trump Administration Escalates Undermining Elections with Fulton County FBI Raid* (Feb. 24, 2026), <https://www.brennancenter.org/our-work/analysis-opinion/trump-administration-escalates-undermining-elections-fulton-county-fbi>.

¹⁵ Ben Penn, *Bondi Hands St. Louis Prosecutor Nationwide Election Fraud Remit*, Bloomberg Law (Jan. 29, 2026), <https://news.bloomberglaw.com/us-law-week/bondi-hands-st-louis-prosecutor-nationwide-election-fraud-remit>.

¹⁶ Sasha Hupka, *Trump administration subpoenas 2020 records from Maricopa County amid push to investigate election*, Votebeat (Mar. 9, 2026), <https://www.votebeat.org/arizona/2026/03/09/maricopa-county-2020-election-fbi-records-warren-petersen/>.

¹⁷ Letter from Harmeet K. Dhillon, Assistant Att'y Gen., to Cathy M. Garrett, Wayne Cnty. Clerk, Elections Div., Re: Demand for Wayne County 2024 Federal Election Ballots and Records (Apr. 14, 2026), <https://www.michigan.gov/ag/-/media/Project/Websites/AG/releases/2026/April/DOJ-Letter-to-Wayne-County.pdf>.

At the same time that the administration is amplifying falsehoods about the election process, it is also undermining sources of accurate information about election security. On Attorney General Bondi's first day in office, she disbanded the FBI task force tracking foreign influence operations from Russia, China, and Iran.¹⁸ The Cybersecurity and Infrastructure Security Agency (CISA) — the federal agency that supports state and local officials' election-security efforts — has been hollowed out. In March 2025, CISA halted all election security support for state officials and terminated funding for the cross-state threat-monitoring system.¹⁹ For the first time in years, CISA did not activate its Election Day situation room during the November 2025 elections.²⁰

Finally, the Department of Justice is using demands for state voter data to advance unsubstantiated claims about unlawful voting by non-citizens. Over the past year, DOJ's Civil Rights Division has contacted nearly every state and the District of Columbia to demand their complete unredacted voter files, which are filled with sensitive personal information for every voter, such as Social Security numbers, driver's license numbers, and political party affiliation.²¹ The Trump administration *says* they want all this data to stop ineligible voters from registering and casting a ballot. But election fraud of any type is extremely rare, in no small part because states *already* have checks in place to ensure that only eligible voters register, and state and federal laws (including immigration law) impose heavy penalties for illegal voting.²² In fact, the administration intends to use this data — mix-and-matched with other federal databases, using questionable matching protocols — to falsely claim that there are many noncitizens casting ballots in our elections and to demand that states strip voter registration from flagged voters, many of whom are likely to be American citizens.²³ So far, most states — including a number of Republican-led states — have declined to provide voters' confidential information, and courts

¹⁸ Derek B. Johnson, *DOJ disbands foreign influence task force, limits scope of FARA prosecutions*, CyberScoop (Feb. 6, 2025), <https://cyberscoop.com/doj-disbands-foreign-influence-task-force/>.

¹⁹ Jen Fifield, *U.S. agency has stopped supporting states on election security, official confirms*, Votebeat (Mar. 11, 2025), <https://www.votebeat.org/2025/03/11/cisa-ends-support-election-security-nass-nased/>.

²⁰ Jen Fifield, *Election officials say trust with CISA is broken and may not come back*, Votebeat (Jan. 15, 2026), <https://www.votebeat.org/2026/01/15/cisa-election-security-trust-broken-trump-chris-krebs-denise-merrill/>.

²¹ State Democracy Rsch. Initiative, Univ. of Wis L. Sch., *Tracker: DOJ Lawsuits Seeking States' Sensitive Voter Data* (updated Apr. 20, 2026), <https://statedemocracy.law.wisc.edu/our-work/tracker-doj-lawsuits-seeking-states-sensitive-voter-data>.

²² Wren Orey et al., *Four Things to Know about Noncitizen Voting*, Bipartisan Pol'y Ctr. (Feb. 20, 2026), <https://bipartisanpolicy.org/article/four-things-to-know-about-noncitizen-voting/>.

²³ In the states voluntarily using SAVE to check voter eligibility, local election officials are raising concerns about the inaccuracy of the system. In Missouri, for instance, 70 county clerks in December 2025 wrote in a letter to state legislators that the SAVE results were “outdated, inaccurate, and include individuals we know to be U.S. Citizens—our neighbors, colleagues, and even voters we have personally registered at naturalization ceremonies.” Letter from 70 Mo. Cnty. Clerks to Jonathan Patterson, Mo. House Rep., (Dec. 3, 2025), <https://www.documentcloud.org/documents/26496308-missouri-clerk-letter-to-legislature/>. The election director for St. Louis County “found that around 35 percent of roughly 690 people initially flagged by the SAVE tool were registered at naturalization ceremonies.” Alexandra Berzon & Nick Corasaniti, *Initial Review Finds No Widespread Illegal Voting by Migrants, Puncturing a Trump Claim*, N.Y. Times (Jan 14, 2026), <https://tinyurl.com/36kfzc7u>.

have consistently rejected DOJ efforts to force states to turn over voter data.²⁴ But DOJ is continuing, as recently as last week, to insist on its right to this data to expose alleged voter fraud.

The purpose of these lies is to lay the groundwork for efforts to disrupt the election system, thereby causing the chaos and uncertainty that call into question election results.

Disrupt: How the Trump Administration is Working to Tilt the Electoral Playing Field

During his second term, President Trump and his administration have made unprecedented use of his control over key federal agencies to try to tilt the electoral playing field in favor of his preferred candidates. In particular, his administration has (1) sought to change election rules to make it harder for Americans to vote; (2) used federal power to target and punish those who oppose or speak out against him politically; and (3) resorted to threats and violence to chill political activity.

Manipulating Election Rules to Prevent Eligible Americans from Voting

Over the past 15 months, heeding President Trump's calls to "take over" and "nationalize" elections,²⁵ his administration has repeatedly attempted to change the rules of the election to disenfranchise voters and create more uncertainty about the election process.

The administration's most sweeping attempt to change election rules came in March 2025, when Trump signed Executive Order 14,248, titled "Preserving and Protecting the Integrity of American Elections."²⁶ The order purported to overhaul federal election procedures unilaterally, claiming powers that the Constitution reserves to Congress and the states. Among its provisions, it directed the Election Assistance Commission (EAC) to require documentary proof of citizenship on the federal voter registration form; it ordered the attorney general to act against states that count mail-in ballots received after Election Day (threatening to disenfranchise military and overseas voters); it directed the EAC to decertify all previously certified voting machines; and it threatened to withhold congressionally appropriated federal election funds from noncompliant states.

Courts have resoundingly rejected these attempts to reshape the election system. Federal judges have issued multiple injunctions blocking key provisions of the EO. In granting a preliminary injunction blocking the proof-of-citizenship requirement (later converted to a permanent injunction), Judge Colleen Kollar-Kotelly observed of the Constitutional framework

²⁴ State Democracy Rsch. Initiative, *supra* n. 21.

²⁵ ABC7 Chicago, *Trump urges Republicans to 'take over' and 'nationalize' voting*, YouTube (Feb. 3, 2026), <https://www.youtube.com/watch?v=khIJVXL59WU>.

²⁶ Exec. Order No. 14,248, 90 Fed. Reg. 14,005 (Mar. 25, 2025).

governing elections that “[t]he States have initial authority to regulate elections. Congress has supervisory authority over those regulations. The President does not feature at all.”²⁷

Despite these defeats, the administration has signaled it will keep pushing. In February 2026, Trump posted: “There will be Voter I.D. for the Midterm Elections, whether approved by Congress or not.”²⁸ In late March, the President issued yet another sweeping elections-related executive order that attempts to impose sweeping new vote-by-mail procedures,²⁹ which would cause havoc in our elections if enforced.³⁰

Moreover, President Trump continues to urge allies in Congress to pass the SAVE America Act, which would require every American to provide documentary proof of citizenship (such as a passport or birth certificate) to register to vote in federal elections,³¹ and to present a photo ID to cast a ballot.³² It would mandate that states submit voter rolls to DHS for verification and expose election officials to criminal penalties for registering voters who fail to present required documentation, even if those voters are eligible citizens. In practice, this would block millions of eligible American citizens from voting. According to the Brennan Center, more than 9 percent of eligible voters do not have ready access to documentary proof of citizenship.³³ This law would disproportionately disenfranchise low-income voters, voters of color, military and overseas voters, married women, and transgender individuals whose names may not match their birth certificates. When Kansas enacted a similar proof-of-citizenship requirement at the state level, tens of thousands of eligible citizens were blocked from registering, and a federal court ultimately struck down the law.³⁴

So far, these efforts to reshape the law have been unsuccessful. But even if the executive orders are struck down and the SAVE America Act fails to advance in the Senate, they have created significant uncertainty over the rules that will be in force this fall. Moreover, their very

²⁷ *LULAC v. Exec. Office of the President*, 780 F. Supp. 3d 135, 159 (D.D.C. 2025).

²⁸ Donald J. Trump (@realDonaldTrump), TruthSocial (Feb. 13, 2026, 4:35 p.m.), <https://truthsocial.com/@realDonaldTrump/posts/116065471857020644>.

²⁹ Exec. Order No. 14,399, 91 Fed. Reg. 17,125 (Mar. 31, 2026).

³⁰ Wendy R. Weiser & Sean Morales-Doyle, *Analyzing the President’s Executive Order on Mail Voting*, Brennan Ctr. for Just. (Apr. 8, 2026), <https://www.brennancenter.org/our-work/research-reports/analyzing-presidents-executive-order-mail-voting>.

³¹ SAVE America Act, H.R. 7296, 119th Cong. (as introduced to House, Jan. 30, 2026), <https://www.congress.gov/bill/119th-congress/house-bill/7296/text>.

³² Eliza Sweren-Becker & Owen Bacskai, *New SAVE Act Bills Would Still Block Millions of Americans From Voting*, Brennan Ctr. for Just. (updated Apr. 19, 2026), <https://www.brennancenter.org/our-work/analysis-opinion/new-save-act-bills-would-still-block-millions-americans-voting>.

³³ Kevin Morris & Cora Henry, *Millions of Americans Don’t Have Documents Proving Their Citizenship Readily Available*, Brennan Ctr. for Just. (June 11, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>.

³⁴ *Fish v. Schwab*, 957 F.3d 1105, 1128 (10th Cir. 2020).

failure could lay the groundwork for the final step in the strategy — denying election results that the administration doesn't like.

Deploying Federal Power Against Perceived Political Opponents, Pro-Democracy Actors, and Election Officials

The administration has also systematically used federal investigative, prosecutorial, and regulatory power to target those standing in the way of its effort to control the 2026 elections, including political opponents and civil society organizations that support democratic participation. In each case, the goal is not necessarily to secure convictions — it is to intimidate, to impose costs, and to deter others from following their example.

Notably, it has targeted many of the individuals who exposed the Russian government's efforts to aid the Trump campaign in 2016 or who stood in the way of the effort to overturn the result of the 2020 election. The Department of Justice has launched a wide-ranging, so-called “grand conspiracy” case against former officials who investigated and prosecuted President Trump, now overseen by one of President Trump's former personal attorneys.³⁵ Among others, the investigation targets CIA Director John Brennan, who was involved in the intelligence community's January 2017 assessment detailing how Russia interfered in the 2016 election.³⁶ DOJ previously obtained an indictment (later dismissed) against former FBI Director James Comey, who oversaw the initial investigation into Russian interference in 2016.³⁷ Trump also signed a presidential memorandum in April 2025 directing an investigation of former CISA Director Chris Krebs, who publicly affirmed the security of the 2020 election.³⁸ These prosecutions and investigations are likely intended, at least in part, to chill those who might defend election processes in the future.

The administration has also targeted civil society organizations that it sees as opponents. The administration began taking action to undermine nonprofit organizations just a few weeks into Trump's second term, but its assault on perceived ideological opponents accelerated in

³⁵ Charlie Savage & Alan Feuer, *U.S. Installs a Trump Loyalist to Lead ‘Grand Conspiracy’ Case Into Trump Foes*, N.Y. Times (Apr. 18, 2026), <https://www.nytimes.com/2026/04/18/us/politics/digenova-trump-lawyer-conspiracy.html>.

³⁶ Paula Reid & Evan Perez, *Justice Department adds former Trump lawyer to investigation of Trump critic John Brennan*, CNN (Apr. 18, 2026), <https://www.cnn.com/2026/04/18/politics/joseph-digenova-florida-brennan-probe>.

³⁷ Devlin Barrett, Glenn Thrush & Alan Feuer, *Grand Jury Indicts Longtime Trump Target, Former F.B.I. Director James Comey*, N.Y. Times (Sept. 25, 2025), <https://www.nytimes.com/2025/09/25/us/politics/james-comey-indicted.html>.

³⁸ President Donald Trump, *Presidential Memorandum: Addressing Risks from Chris Krebs and Government Censorship* (Apr. 9, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/addressing-risks-from-chris-krebs-and-government-censorship/>.

September 2025, after the murder of Charlie Kirk.³⁹ That month, the president issued National Security Presidential Memorandum-7 (NSPM-7), which painted organizations on “the Left” as part of a network of dangerous extremists.⁴⁰ According to NSPM-7, these extremists are united by beliefs like “anti-Americanism, anti-capitalism, and anti-Christianity; support for the overthrow of the United States Government; extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality.” A subsequent implementing memo from then-Attorney General Bondi directed the DOJ to create and maintain lists of these “domestic terrorism organizations” based on their ideological beliefs, calls for an Antifa tip line, and directs the agency to map “nodes,” “cells,” and “funders” of this supposed movement.⁴¹ Republicans in Congress have also taken up a focus on left-wing nonprofits in recent hearings.⁴²

This infrastructure for ideological targeting is particularly dangerous in an election context. Nonprofit organizations play a significant (and lawful) role in registering voters, educating them about the issues, and supporting get-out-the-vote efforts. The administration has already taken aim at voter-registration groups in one context, by barring nonpartisan civic engagement groups, like the League of Women Voters, from registering new citizens at naturalization ceremonies.⁴³

Threatening Violence to Intimidate Voters

The administration has also turned to the threat of force to chill political activity and intimidate voters. Across both his terms, Trump has been quick to use force in response to large-scale protests. During the first Trump administration, the administration used federal law enforcement forces to violently disperse peaceful racial justice protesters in Washington, D.C.,⁴⁴

³⁹ Genevieve Nadeau and Ellinor Heywood, *Holding the Line Together: Civil Society and the First Year of the Trump Administration*, Nonprofit Q. (Jan. 20, 2026), <https://nonprofitquarterly.org/holding-the-line-together-civil-society-the-first-year-of-the-trump-administration/>.

⁴⁰ President Donald Trump, National Security Presidential Memorandum/NSPM-7: Countering Domestic Terrorism and Organized Political Violence (Sept. 25, 2025), <https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/>.

⁴¹ Office of the Attorney General, Implementing National Security Presidential Memorandum-7: Countering Domestic Terrorism and Organized Political Violence (Dec. 4, 2025), <https://www.documentcloud.org/documents/26371599-bondi-memo-on-countering-domestic-terrorism-and-organized-political-violence-1/>.

⁴² Isaiah Thompson, *Senate GOP Ramps Up Attacks on Left-Wing Nonprofits*, Nonprofit Q. (Nov. 4, 2025), <https://nonprofitquarterly.org/senate-gop-ramps-up-attacks-on-left-wing-nonprofits/>.

⁴³ U.S. Citizenship and Immigration Services, *Policy Alert: Voter Registration at Administrative Naturalization Ceremonies*, USCIS (Aug. 29, 2025), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20250829-NatzCeremonyVoterRegistration.pdf>. A legal challenge to this policy is now pending. *League of Women Voters of the United States et al. v. United States Citizenship and Immigration Services et al.*, Complaint, No. 8:25-cv-03777-DLB (D. Md. Nov. 18, 2025).

⁴⁴ Tom Gjelten, *Peaceful Protesters Tear-Gassed To Clear Way for Trump Church Photo-Op*, NPR (June 1, 2020), <https://www.npr.org/2020/06/01/867532070/trumps-unannounced-church-visit-angers-church-officials>.

and Portland, Oregon.⁴⁵ In his second term, courts have repeatedly found that Department of Homeland Security officers have used excessive force in response to peaceful protesters, for example in Chicago, Minneapolis, and Portland, Oregon.⁴⁶ Trump has also sought to deploy active-duty Marines and federalized National Guard troops to respond to immigration protests in Los Angeles, Portland, and Chicago, though those deployments were largely halted by courts.⁴⁷

As election day nears, the use of force in civilian settings poses an additional threat: voter intimidation. Since at least 2018, Trump has alluded to or threatened to put on a show of force by law enforcement at the polls under the pretext of cracking down on illegal voting.⁴⁸ More recently, administration allies like Steve Bannon have suggested that the administration will deploy immigration officials around polling locations, ostensibly to prevent non-citizen voting.⁴⁹ (Some administration officials have disclaimed plans to station DHS officials at the polls,⁵⁰ but White House Press Secretary Karoline Leavitt notably said she “can’t guarantee” that ICE won’t be near polling locations.”⁵¹) When immigration officials have openly used racial profiling to make arrests and detained upward of 170 U.S. citizens over the first nine months of the Trump administration,⁵² the threat of ICE presence at polls — let alone their actual deployment — is likely to make many citizens, particularly naturalized citizens and people of color, think twice about going to cast their ballots.

To be clear, sending armed federal officers to the polls violates federal law.⁵³ But if the experience in Minneapolis and other cities is any indication, the administration need not deploy

⁴⁵ Jonathan Levinson, Conrad Wilson & Ryan Haas, *50 days of protest in Portland. A violent police response. This is how we got here.*, Oregon Pub. Broad. (July 19, 2020), <https://www.opb.org/news/article/police-violence-portland-protest-federal-officers/>.

⁴⁶ See *Chicago Headline Club v. Noem*, 810 F. Supp. 3d 842 (N.D. Ill. 2026), *vacated as moot*, 168 F.4th 1033 (7th Cir. 2026); *Tincher v. Noem*, No. 0:25-cv-4669, 2026 WL 125375 (D. Minn. Jan. 16, 2026), *preliminary injunction stayed*, 164 F.4th 1097 (8th Cir. 2026); *Dickinson v. Trump*, No. 3:25-cv-2170, 2026 WL 667742 (D. Or. Mar. 9, 2026) (preliminary injunction administratively stayed).

⁴⁷ Josh Gerstein & Kyle Cheney, *Supreme Court blocks Trump effort to deploy National Guard troops to Illinois*, Politico (Dec. 23, 2025), <https://www.politico.com/news/2025/12/23/supreme-court-national-guard-ruling-00704962>.

⁴⁸ Donald J. Trump (@realDonaldTrump), X (Nov. 5, 2018, at 10:41 a.m.), <https://x.com/realDonaldTrump/status/1059470847751131138>.

⁴⁹ Jacob Wendler, *Steve Bannon calls for Trump to deploy ICE and military troops to polling sites*, Politico (Feb. 4, 2026).

⁵⁰ Nathaniel Rakich, *ICE won’t be at polling places in 2026 election, Trump administration official says*, Votebeat (Feb. 26, 2026), <https://www.votebeat.org/2026/02/26/ice-agents-polling-places-2026-midterm-elections-heather-honey-election-official-meeting/>; Kaia Hubbard & Melissa Quinn, *Senate panel hears from top immigration officials, state leaders on Minnesota surge*, CBS News (Feb. 12, 2026), <https://www.cbsnews.com/live-updates/minnesota-immigration-ice-hearing-senate-homeland-security/#post-update-393fd977>.

⁵¹ Yuniur Rivas, *White House ‘can’t guarantee’ ICE won’t be at polls*, Democracy Docket (Feb. 5, 2026), <https://www.democracymarket.com/news-alerts/white-house-cant-guarantee-ice-wont-be-at-polls/>.

⁵² Nicole Foy, *We Found That More than 170 U.S. Citizens Have Been Held by Immigration Agents. They’ve Been Kicked, Dragged and Detained for Days.*, ProPublica (Oct. 16, 2025), <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>.

⁵³ 18 U.S.C. § 592.

federal law enforcement right at polling places to intimidate voters—a show of force in certain jurisdictions in the weeks prior to the election would likely be sufficient to deter some voters from leaving their homes to go to the polls.

Moreover, the administration’s rhetoric—drastically exaggerating the risk of non-citizen voting and characterizing political opponents as “the enemy from within”⁵⁴—threatens to inspire *private* displays of force on Election Day. This transpired in 2022, when debunked conspiracy theories about “ballot mules”⁵⁵ led to armed men who stationed themselves outside ballot drop boxes in Arizona.⁵⁶ Unfortunately, the threat environment for political violence is even worse now than it was then. To take just one example, many of the federal judges who have ruled against the administration have faced serious violent threats, including phone calls, house calls, and delivery of unsolicited pizzas accompanied by ominous messages to judges’ and their families’ addresses that incite psychological fears.⁵⁷

Deny: How the Trump Administration May Seek to Overthrow Results if Favored Candidates Lose

The actions I have described so far—fueling conspiracy theories, targeting opponents, seeking to usurp and reshape the rules of the election—are not independent tactics. They are components of an integrated strategy aimed at creating the conditions for the administration to interfere with election results that don't go its way. The administration is positioning itself to contest, delay, or overturn unfavorable results through law enforcement action, pressure on state and local officials, post-election litigation, and potential defiance of courts.

Law Enforcement Interference with Vote-Counting

The Fulton County raid demonstrates that this administration is willing to deploy FBI agents to seize state election materials based on conspiracy-theory-driven referrals from administration loyalists. The question now is whether similar actions will be taken not just to relitigate the past but to disrupt elections in real time. The infrastructure for broader interference is already in place: former Attorney General Bondi empowered a special nationwide election

⁵⁴ Alexandra Marquez, *‘The enemy from within’: Trump calls Democrats more dangerous than U.S. foreign adversaries*, NBC News (Oct. 13, 2024), <https://www.nbcnews.com/politics/2024-election/-enemy-trump-claims-democrats-are-dangerous-us-foreign-adversaries-rcna175198>.

⁵⁵ Associated Press, *Creator of ‘2000 Mules’ apologies to man falsely accused of ballot fraud in the film*, Nat’l Pub. Radio (Dec. 2, 2024), <https://www.npr.org/2024/12/02/g-s1-36527/dinesh-dsouza-2000-mules-apology>.

⁵⁶ Ken Bensinger, *Judge Curbs Actions of Election-Monitoring Group in Arizona*, N.Y. Times (Nov. 1, 2022), <https://www.nytimes.com/2022/11/01/us/politics/election-monitors-arizona-judge.html>.

⁵⁷ Bill Whitaker & Heather Abbott, *Federal judges who’ve ruled against Trump administration denounce threats against themselves, their families*, CBS News (March 1, 2026), <https://www.cbsnews.com/news/federal-judges-who-ruled-against-trump-administration-denounce-threats-60-minutes-transcript/>.

prosecutor,⁵⁸ and the DOJ has quietly removed from its website the longstanding manual limiting election-year law enforcement activities that could disrupt or influence voting.⁵⁹

The most dangerous scenario involves the post-election seizure of voting machines, ballots, or other election materials on election night or in the days after. If DOJ were to obtain warrants to seize voting machines or uncounted ballots in key jurisdictions — perhaps citing the same unsubstantiated fraud allegations used to justify the Fulton County raid — it could paralyze the post-election canvass, break state-mandated procedures to preserve the chain of custody of election materials, and generate precisely the chaos needed to justify further intervention. The disruption caused by federal action would itself become the basis for claiming the election was compromised.

Seeking to Coerce State Officials Not to Certify Accurate Results

Election certification—the statutory process by which local and state officials formally sign off on the completeness and accuracy of vote counts—has historically been a routine, ministerial formality.⁶⁰ Since 2020, however, more than 30 rogue local officials across at least eight states have refused to certify election results, citing baseless fraud claims.⁶¹ Each time, courts and state officials ultimately intervened to compel certification—but only after the refusal consumed scarce time and resources, amplified conspiracy theories, and tested the resilience of state enforcement mechanisms.

What makes 2026 fundamentally different is that the federal government may be actively encouraging local and state refusals to certify election results. Officials may be able to point to federal investigations, FBI raids, and administration rhetoric as justification for their refusal, creating a veneer of federal authority for pretextual refusals. If certification delays cascade across multiple counties in multiple states simultaneously, the resulting chaos could itself become a basis for the administration to claim the election was tainted—and to argue for federal intervention.

Pursuing Bad-Faith Post-Election Litigation

Even where results are certified, the administration and its allies are likely to challenge them aggressively in court. A 2024 North Carolina Supreme Court race offers a preview: After losing by 734 votes — a margin confirmed by two recounts — the losing candidate sought to invalidate more than 60,000 lawfully cast ballots by retroactively changing the rules under which

⁵⁸ Penn, *supra* n.15.

⁵⁹ Bob Bauer, *Yet Another Sign that the Trump Administration is Laying the Groundwork for Election Intervention?*, Exec. Functions (Feb. 5, 2026), <https://www.execfunctions.org/p/yet-another-sign-that-the-trump-administration>.

⁶⁰ Rodriguez, et al., *supra* n.9.

⁶¹ Citizens for Resp. & Ethics in Washington, *Election certification under threat* (Aug. 12, 2024), <https://www.citizensforethics.org/reports-investigations/crew-reports/election-certification-under-threat/>.

the election had been conducted.⁶² The litigation dragged on for six months before certification was finally ordered.⁶³ In 2026, with the federal government actively generating raw material for such challenges through its campaign to gain access to voter data and unsubstantiated fraud investigations, we should be prepared for this type of litigation to be deployed simultaneously across multiple states and races. The strategy does not require the litigation to succeed on the merits—only that it creates enough delay, confusion, and doubt to prevent the timely seating of elected officials.

Defending our Elections Against Federal Election Interference

As I have argued in this testimony, the question is not whether the administration will seek to interfere in this fall's elections — their effort is already well underway. Instead, the real question is whether the institutions and individuals charged with defending free and fair elections will be prepared to meet the challenge.

State and local officials have a particularly important role to play. Over the coming months, they should continue to stand up for their proper constitutional role in conducting elections. The bipartisan resistance to voter-data grabs is a model: In addition to uniform resistance from Democratic leaders, red-state officials like Utah Lt. Gov. Deirdre Henderson have vocally objected to the administration's efforts to insert themselves into state election processes.⁶⁴

Local officials should also take concrete steps to prepare for foreseeable efforts to interfere with elections, particularly in the post-election period. They should work with their counsel and state attorneys general to draft clear legal contingency plans for scenarios like an effort by DOJ or other federal law enforcement actors to seize ballots or voting equipment. Quick legal action will be necessary to block, or if necessary reverse, efforts by DOJ to seize election materials — and time is of the essence to prevent tampering with election materials.

State and local officials should also work with state legislators to assess whether there are ways to improve the speed by which ballots are counted. Delays between the time when polls close to voters and when elections are called have been fodder for conspiracy theorists. Speeding that up — by bolstering tabulation systems and improving processes for processing ballots, among other measures — may help fend off false claims of fraud.

⁶² Eduardo Medina, *Republican Gives Up Fight to Overturn Defeat in N.C. Judicial Race*, N.Y. Times (May 7, 2025), <https://www.nytimes.com/2025/05/07/us/politics/north-carolina-supreme-court-gop-concession.html>.

⁶³ *Id.*

⁶⁴ Robert Gehrke, *Trump's DOJ sues Lt. Gov. Henderson, demanding she turn over Utahns' private voter records*, Salt Lake Trib. (Feb. 26, 2026), <https://www.sltrib.com/news/politics/2026/02/26/trump-doj-sues-lt-gov-henderson/>.

State and local officials should continue their work to build trust in elections in their local communities through transparency and public communications. Community leaders from business, faith, and other sectors should stand up for the importance of a free and fair election. And all of us need to tell the truth about what the administration is doing: efforts to cast doubt on the election system are part of a political effort to undermine the system.

Members of Congress also have an important role to play in defending free and fair elections. First, Members should use their platforms to convey accurate information about elections and call out actions that the administration takes in furtherance of its deceive, disrupt, deny strategy. We can expose the administration's efforts to override the elections while taking care to assure Americans that their votes will be counted and the administration's efforts will fail. Second, Members should strengthen their relationships with state and local elected officials and other trusted community leaders to help ensure they have the support and resources they need and are prepared to stand up for the electoral process, no matter who wins. Finally, Members should use their oversight authority to ensure transparency and accountability, including by leveraging occasions when relevant administration officials appear before Congress, holding public forums like this, and sending targeted oversight requests to agencies to gather information about federal election interference and put individuals on notice that there will be accountability for anyone who abuses their authority to interfere in the elections process.

To be clear, while federal election interference is a serious risk, it can be overcome. We see preparation to meet these threats already underway, in state and local government, in civil society, among the journalists who are accurately covering these risks, and even through this hearing today. Our electoral system is strong, and I remain confident that our election this fall will be free and fair.