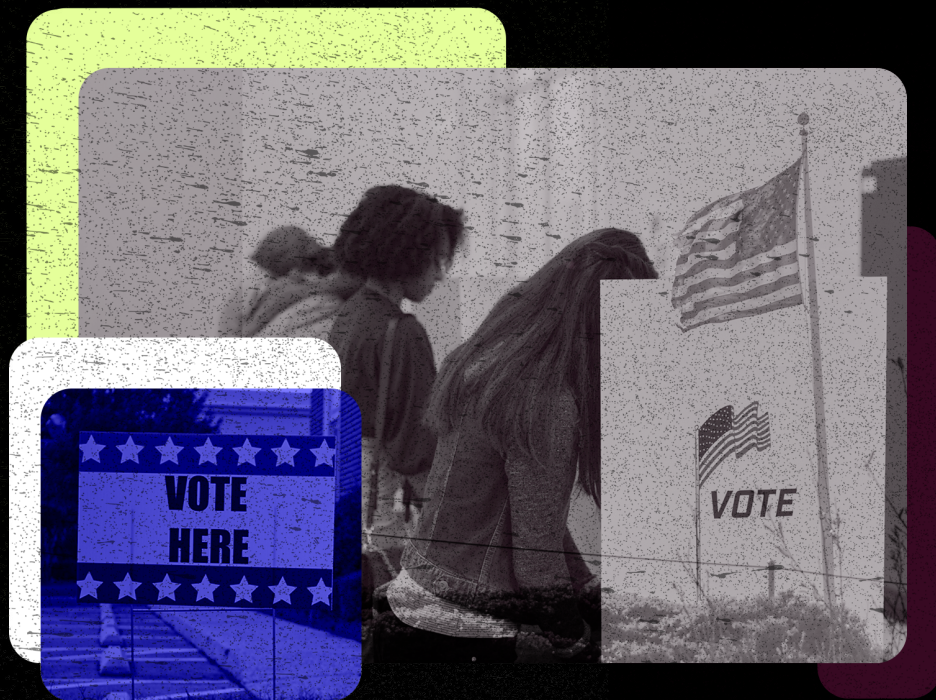


# States On Offense: **The Path Forward to Strengthen Our Elections**



# Table of Contents

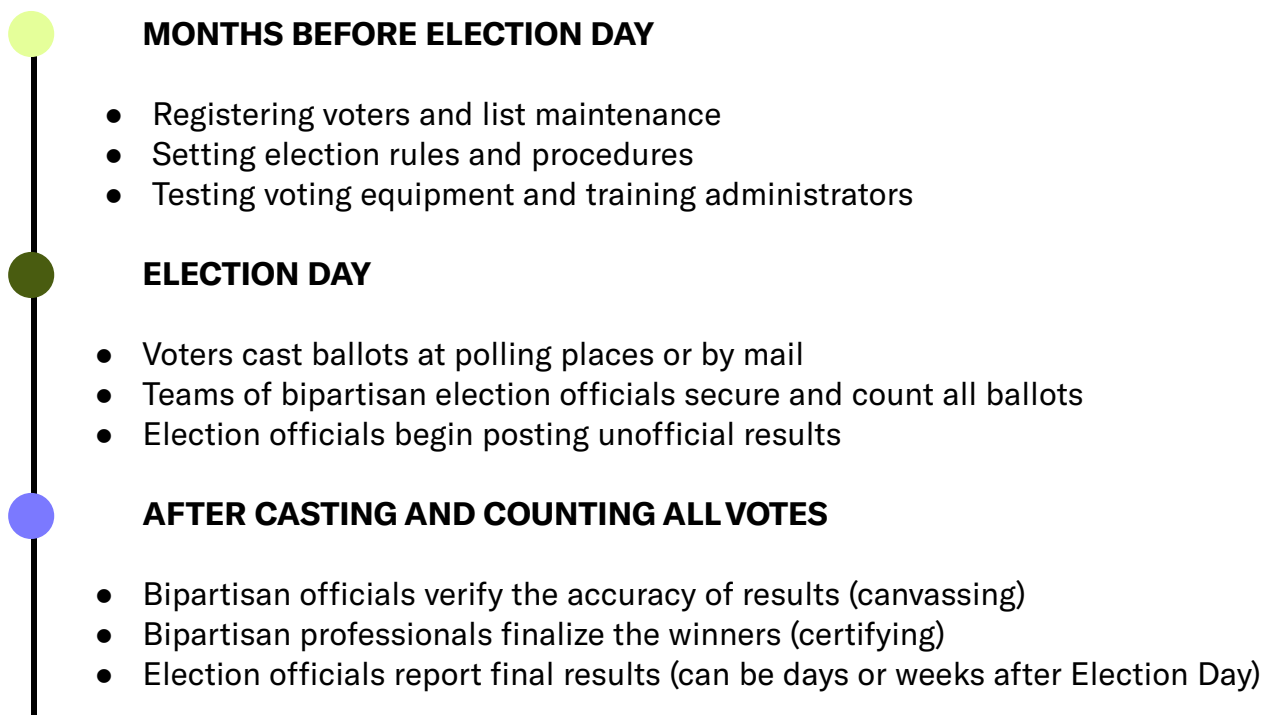
<b>Executive Summary</b>	<b>3</b>
Election Timeline: How Elections Work	3
Policy Fixes to Strengthen Our Elections	5
<b>How Issues Before Election Day Justify Interference After</b>	<b>6</b>
Vulnerability #1: Mass Voter Registration Challenges	7
The Solution: Improve List Maintenance, Safeguard Against Erroneous Removals	8
Vulnerability #2: Last-Minute Changes to Local or State Election Rules	9
The Solution: Establish Clear Deadlines for Election Rule Changes	11
Vulnerability #3: Polling Place Ballot Challenges	11
The Solution: Limit Polling Place Interference	11
Vulnerability #4: Results Reporting Perceived to Be Slow or Opaque	12
The Solution: Allow Pre-Processing and Increase Transparency in the Count	13
<b>How Losing Candidates Exploit Vulnerabilities in the Post-Election Period</b>	<b>14</b>
Vulnerability #1: Audits Happen Too Late	15
The Solution: Establish Pre-Certification Audits	15
Vulnerability #2: Certification Delays and Refusals	15
The Solution: Improve Certification Processes	18
Vulnerability #3: Frivolous Post-Election Lawsuits	19
The Solution: Clarify Post-Election Challenge Procedures	19
<b>Methodology</b>	<b>20</b>
<b>State Fact Sheets</b>	<b>21</b>

# Executive Summary

In recent election cycles, politically motivated actors have exploited irregularities (real or perceived) in election administration to cast doubt on the reliability of results. These efforts threaten to prevent eligible voters from casting their ballots or cause lawfully cast ballots to be thrown out. In the most alarming cases, losing candidates and/or their allies have challenged legitimate election results through unscrupulous lawsuits. In general, the most severe attacks on election results typically follow a two-step pattern:

- 1. Before and during the election:** Bad-faith actors identify issues in state laws governing elections — often based on a deliberately skewed version of events. They then use these gaps as a pretext for spreading false narratives, suggesting that people should not trust our elections and that the results are likely to be flawed. These vulnerabilities lay the groundwork for justifying post-election interference.
- 2. After the election:** Bad-faith actors, often losing candidates themselves, exploit vulnerabilities in state laws and procedures governing how votes are verified (canvassing) and how winners are finalized (certification) to contest election results and undermine the expressed will of the voters.

## Election Timeline: How Elections Work



Just as election laws differ in each state, so too do the opportunities for exploitation throughout the process laid out above. Depending on a state's specific laws and procedures, politically motivated actors may begin laying the groundwork for challenging election results several months *before* Election Day. Recent challenges, such as the 2024 North Carolina [state Supreme Court race](#), have dragged on for months after Election Day, leaving critically important results uncertain and eligible voters anxious about whether their lawfully cast ballots will ultimately be counted.

**This pattern of elements combines to create an election crisis that functions similarly to the three elements needed to start a fire.** A fire requires fuel, oxygen, and heat to burn. Removing any one of those elements prevents a fire. Likewise, election crises have their own “fire triangle” of elements required to ignite. An election crisis is likely if there are:

1. **Real or perceived pre-election irregularities** that bad actors can twist into a pretext for election manipulation;
2. **Vulnerabilities in state election laws or procedures** that can be exploited by losing candidates to halt certification of valid results; and
3. **Bad actors who are willing to buck democratic norms** to undermine the will of the voters.

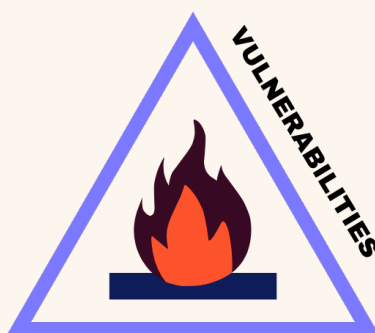
## Election Crisis Triangle

**Removing any one of these elements prevents an election crisis.**



**BAD ACTORS**

**No Vulnerabilities  
No Crisis**



**BAD ACTORS**

**No Irregularities  
No Crisis**



**No Bad Actors  
No Crisis**

In this report, **we highlight how bad actors may exploit vulnerabilities in state law or procedures to sow distrust and lay the groundwork for subsequent attempts to undermine voter will.**

**While many of the issues and narratives that bad actors spin around elections are not rooted in reality, the impact on public confidence is very real.** Shoring up state laws and election processes can minimize or eliminate these falsehoods from gaining traction. By adding transparency, consistency, and clarity throughout the pre- and post-election process, lawmakers can boost voter confidence and significantly reduce the frequency of challenges that seek to undermine elections.

Below, we offer our policy recommendations for state officials to mitigate, preempt, and eliminate these vulnerabilities both pre- and post-election to strengthen state elections and defend the will of the voters from partisan interference ahead of the 2026 and 2028 elections.

**"Just as the removal of one element from the fire triangle will prevent a flame, so too should removing aspects of the election interference triangle prevent a crisis."**

## **Policy Fixes to Strengthen Our Elections**

- **Ensure voter lists are accurate and eligible voters are not removed from the rolls** by strengthening list maintenance procedures, tightening rules for mass registration challenges, and implementing safeguards against erroneous removals.
- **Ensure smooth casting of ballots and that results are timely** by preventing last-minute law and policy changes, limiting disruptions at polling places, and allowing for pre-processing and other transparency measures to speed results reporting and public confidence.
- **Ensure results are accurate and trusted** by implementing high-quality audits during canvassing, implementing voter-verifiable systems, and increasing visibility and transparency during the counting and canvassing process.
- **Ensure the results are certified** by strengthening the rules for certifiers, ensuring there are remedies and alternative certification paths should a body refuse, tightening post-election judicial processes, and creating accelerated pathways to resolve post-election lawsuits and protests.

**Our state-specific fact sheets are available on our website [HERE](#).** Enacting these policy fixes will benefit all voters, candidates, and election officials across geographic and partisan lines. These policies will ensure that election outcomes reflect the will of the voters — and not a few holdouts in a conference room or courtroom.

# How Issues Before Election Day Justify Interference After

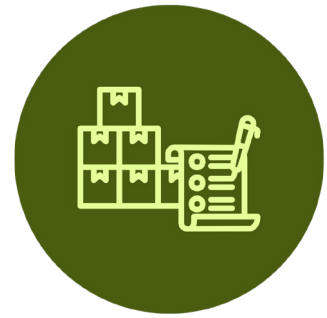
Every election requires months of planning and execution by a team of dedicated, professional election administrators:



Officials prepare voter lists by **registering eligible voters** and **periodically removing voters** who are no longer eligible to vote for various reasons (address change, death, criminal conviction, or another factor).



They **process mail ballots** and work with bipartisan staff and volunteers to **ensure that polling locations are available and secure**.



Once polls close, election officials **oversee the safe handling and transport** of ballots for counting.

Despite multiple checks to ensure accuracy, run-of-the-mill administrative issues (such as a printer running out of ink or a voter going to the wrong polling location) have sometimes prompted voter accusations of partisan bias, of noncitizens voting, and other repeatedly disproven issues. At times, the system working as designed and catching wrongdoing can generate false and exaggerated stories, as was the case in [Michigan](#) in 2024. A Chinese national attempted to register and vote, was caught by officials, and charged criminally. Still, bad actors seized on the story to push a false narrative that this incident was evidence of mass fraud by noncitizens.

Sometimes, the issues that arise before Election Day are genuine shortcomings that are then exaggerated to make them seem much more widespread and destructive than they actually are. That was [the case](#) with a set of voters in North Carolina missing important voter registration data in their files. This population of voters featured heavily in Judge Jefferson Griffin's attempt to overturn the results of North Carolina's state Supreme Court race in 2024.



**"These false narratives are manipulated or exaggerated by bad actors to sow distrust in the system and lay the groundwork for overturning results that do not favor them."**

## **Vulnerability #1: Mass Voter Registration Challenges**

*Why it matters: Mass voter registration challenges before elections feed false narratives of distrust and can ultimately threaten the disqualification of thousands of eligible voters.*

Self-appointed investigators, often relying on [non-trustworthy sources](#), flood election officials with lists of thousands of eligible voters they want removed from voter rolls based on flimsy, and usually flawed, evidence. The most egregious examples target voters shortly before Election Day, providing them with little or no recourse to defend their eligibility.

Compounding the issue, motivated activists continue to [lobby federal and state lawmakers to eliminate statutory protections](#), like those found in the National Voter Registration Act, that prevent such cancellations.

Proponents of these challenges often seize on erroneous information about the state's voter list maintenance process, such as [debunked claims](#) of widespread voting by non-U.S. citizens, to justify their challenges. These same unfounded claims are being used in many states now to propose cumbersome proof-of-citizenship requirements (similar to those proposed in the federal [SAVE Act](#)) that would likely exclude large numbers of eligible voters.

### **Real-World Example: Six Activists Threaten Nearly 90k Registrations in Georgia**



Chris Ramsey, of Palmetto, Georgia, was one of nearly 100,000 voters whose registration was challenged.

#### **Politics**

#### **Close to 100,000 Voter Registrations Were Challenged in Georgia — Almost All by Just Six Right-Wing Activists**

The recent transformation of the state's election laws explicitly enabled citizens to file unlimited challenges to other voters' registrations. Experts warn that election officials' handling of some of those challenges may clash with federal law.

**by Doug Bock Clark, photography by Cheney Orr for ProPublica**

In the months leading up to the 2022 midterms, [six activists](#) took advantage of a Georgia law to challenge roughly 89,000 voter registrations. Out of the approximately 100,000 total pre-election challenges that year, only 2,350 had sufficient grounds for removal, a success rate of just 2.4%.

Even when these activists discover a legitimate technical concern affecting a certain number of registrations, they often offer cancellation as the only remedy, despite a simple verification process being sufficient to resolve the issue.

Though election officials typically reject the vast majority of these challenges due to the lack of evidence, processing these challenges consumes precious time and resources that election officials should be spending on election preparation. Additionally, some lawmakers [seize upon inflated preliminary numbers from these challenges](#) to advance false narratives about the accuracy of voter rolls.



## **The Solution: Improve Voter List Maintenance Practices and Safeguard Against Erroneous Removals**

*States can preempt mass challenges by implementing new list maintenance systems and/or improving existing ones:*

- **Require regular, frequent, statewide updates:** State laws and processes differ sharply on how often election officials must conduct routine list maintenance activities to remove voters who have become ineligible (due to an address change, death, or other reasons) from the voter rolls. States that already mandate list maintenance annually can consider increasing the frequency of these updates.
- **Streamline access to reliable data:** Local and state officials rely on various data sources, such as motor vehicle records, vital records, and court records, to keep voter rolls accurate. [Florida](#) recently enacted legislation to require data sharing between state agencies and increase the quality of data available to election officials to help keep clean rolls. Multistate and federal agency data can also be crucial in maintaining updated voter rolls in a modern, mobile society. States can join successful multistate data-sharing organizations like the [Electronic Registration Information Center \(ERIC\)](#), which currently facilitates accurate data-sharing between 25 states and D.C. Federal officials have also taken recent steps to improve the quality and accessibility of sources like the SAVE database. However, the reliability and efficacy of this system are untested.
- **Require public reporting and oversight from state officials:** Federal and state laws mandate voter list maintenance processes, and voter lists are generally publicly available upon request. States can require mandatory public reporting and oversight from state officials to ensure uniformity between localities and increase public understanding of and transparency in the list maintenance process. Ohio counties, for example, must provide a daily “snapshot” of their voter lists. These snapshots are made publicly available on the Secretary of State’s website.



- **Provide voters notice and an opportunity to prove eligibility before cancellation:** Election officials should give voters notice before cancellation of their registration, so they can respond and confirm their eligibility before being removed from the rolls. Eligible voters lose confidence in the process when they unexpectedly hear they have been removed when they show up to cast their ballots.

Periodic, systematic, and uniform list maintenance conducted by election officials eliminates the need for self-appointed investigators to initiate mass challenges, which generally prove frivolous. States can enact needed safeguards for pre-election voter challenges by:

- **Ensuring no voter removals within 90 days of an election:** The National Voter Registration Act prohibits states from cancelling voter registrations due to a systematic list maintenance process within 90 days before a federal election. Nonetheless, efforts to remove voters near Election Day have been on the rise recently, as evidenced by Virginia's program purporting to remove non-citizens shortly before the 2024 election that [placed numerous eligible voters in danger of cancellation](#) just before Election Day. State lawmakers can establish a similar pre-election "quiet period" applicable to all elections to avoid last-minute removals.
- **Requiring that individual written challenges be based on personal knowledge:** States with robust professional list maintenance procedures do not need a third-party mass challenge process. States can require individual, written challenges based on actual personal knowledge of a voter's ineligibility, rather than dubious data sources.
- **Giving challenged voters a hearing, with the burden of proof on the challenger:** Voters challenged by third parties should receive sufficient notice and a hearing to contest the challenge. For third-party challenges, however, registered voters should have a presumption of eligibility, and challenges should succeed only when the challenger presents clear and convincing evidence that the registered voter is ineligible.
- **Establishing penalties for filing frivolous challenges:** Some states have penalties for individuals who file an abundance of frivolous voter challenges. To avoid wasting election office time and resources, penalties should be substantial enough to deter numerous unfounded challenges by a single individual.

## **Vulnerability #2: Last-Minute Changes to Local or State Election Rules**

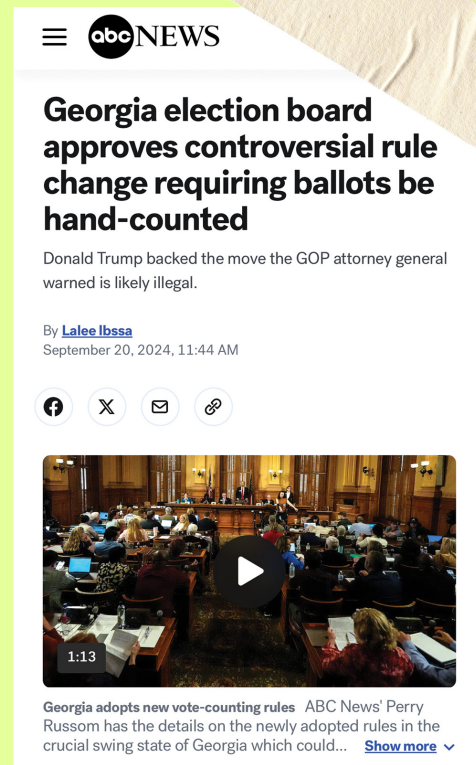
*Why it matters: Late changes to familiar election processes create confusion for election officials and voters and create fodder for post-election disputes.*

Vague standards or omissions in statutory law can lead to administrative agencies and election boards attempting to impose significant changes to procedures shortly before Election Day, from mandating hand-counting of ballots to decreasing the availability of ballot dropboxes and new requirements for counting mail ballots.

These changes can delay the reporting of accurate results, create confusion and chaos for voters and election administrators, and feed distrust in the system. Additionally, vague statutory guidance regarding the administration and availability of different voting methods, such as early voting and mail voting, can result in varying rules and experiences for voters across localities within the same state.

In [Pennsylvania](#), for example, the county you live in determines the number of drop boxes available, whether voters can fix errors on mail ballots after they are turned in, and whether election officials made voters aware of any issues with their ballot. This patchwork of varying policies between localities can then be leveraged by partisan actors to sue based on equal protection violations, calling the validity of the results into question.

## Real-World Example: Last-Minute Election Changes in Georgia Threaten Voter Access, Trust Heading into the 2024 General Election



In 2024, the [Georgia State Election Board](#) attempted to make numerous last-minute changes to election administration procedures that would have created new barriers for eligible voters, required inaccurate hand counting of ballots, and injected uncertainty into the local certification process.

Georgia lawmakers and the courts determined that the Board exceeded its authority by trying to impose these rules and stopped these last-minute changes from going into effect.



## The Solution: Establish Clear Deadlines for Election Rule Changes

*States can prevent last-minute changes to election administration procedures by:*

- **Establishing a ‘quiet period’** applicable to all elections to avoid last-minute changes within 90 days of an election.
- **Providing explicit statutory guardrails** for rulemaking by election boards so they cannot impose processes beyond those authorized by the legislature.

## Vulnerability #3: Polling Place Ballot Challenges

*Why it matters: Disruptive polling place challenges can overwhelm busy election staff and create a negative voting experience by causing delays and distrust.*

Polling places provide another opportunity for activists to disrupt the election process by directly challenging individual voters’ eligibility to cast a standard ballot. Grounds for ballot challenges at polling places can be overly broad or lack precise definitions, resulting in frivolous challenges made with little to no evidence. Additionally, some states have recently limited the authority of polling place supervisors to restrict or expel overly aggressive challengers. With no fear of repercussions, these partisan activists have no fear of consequences for their disruptive behavior.

For example, the North Carolina Election Integrity Table trained and instructed poll watchers to “[be aggressive](#)” in challenging voters’ eligibility due to the “influx of Hispanics” they believed were ineligible to vote, and discussed tactics for challenging voters based on race and languages spoken.



## The Solution: Limit Polling Place Interference

*States can prevent voter intimidation, interference, disruption, and frivolous challenges at polling places by:*

- **Restricting grounds for polling place challenges:** States can limit polling place voter challenges to explicit and narrow statutory grounds. States can put the burden of proof on the challenger, and registered voters can be allowed to cast their ballots if they complete an oath, subject to penalties, that they meet all voter eligibility requirements.

Individuals who interrupt the voting process and cause delays due to unfounded challenges can face penalties, including removal from the polling location. States can also prevent those who have previously been removed for disruption or found to have submitted frivolous challenges from serving as poll watchers in future elections.

- **Protecting poll workers and election officials from threats and harassment:** States can provide protection for these individuals against threats, harassment, or intimidation and give them clear authority to remove individuals who disrupt the election process.
- **Requiring public testing of voting equipment:** State law can require public testing of voting equipment before and after elections to allow voters with questions about the process to see the testing for themselves. Additionally, election officials can offer periodic public “[behind-the-scenes](#)” tours of election offices to improve public understanding and confidence in the process.
- **Upgrading to voter-verifiable ballot systems:** Voters are more likely to have confidence in the process if their polling location uses a voting system that allows voters to verify their selections, whether hand- or machine-marked, before tabulation. States can select systems that facilitate this option for voters. With [system certification through the Election Assistance Commission \(EAC\) in flux](#) due to a recent presidential executive order, states should be cautious about tying state voting systems to EAC certification to avoid potential last-minute changes in what systems and equipment are allowed.

## **Vulnerability #4: Results Reporting Perceived to Be Slow or Opaque**

*Why it matters: When voters perceive delays in reporting, especially in close races, it can fuel disinformation narratives and conspiracy theories.*

State law governs when election officials may begin processing and counting ballots. Many states allow officials to start processing ballots and preparing them for counting days before Election Day. Others, such as Pennsylvania and Wisconsin, require officials to wait until Election Day. When states prevent officials from processing ballots before Election Day, states report results more slowly than those that allow early processing.

While the time needed to process ballots does not affect the accuracy of the results, some observers wrongly perceive “later” reporting of results as suspicious or evidence of problems with the results. This misconception is more likely in states and localities with close elections, where media outlets wait to make “calls” while margins remain tight and significant numbers of ballots remain outstanding.

**"In the absence of information from trusted sources, misinformation and unsubstantiated theories alleging negligence or malfeasance may rush in to fill the void."**

Additionally, many states lack sufficient transparency about the progression of the ballot verification and counting process in the hours immediately following the close of polls. Early results, which are always unofficial, may change as part of the counting and reconciliation process.

Recently, [some activists](#) have proposed that localities hand-count all their ballots rather than using tested tabulation equipment. Research and [real-life examples](#) show that hand-counting ballots increases both delays and errors compared to tested automatic equipment, ultimately creating more fodder for disinformation narratives and sowing doubt in the accuracy of the results.



## **The Solution: Allow Pre-Processing and Increase Transparency in the Count**

*States can take steps to speed up results reporting and build public confidence before the results are tallied by:*

- **Allowing pre-processing of completed ballots:** State lawmakers can make sure that election officials have enough time to pre-process and verify ballots received before Election Day so that they can quickly count them as soon as polls close. Early processing allows states to report a high percentage of their votes within a few hours of polls closing.
- **Creating sufficient in-person early voting opportunities:** In-person early voting can allow voters to cast their ballots before Election Day and verify their eligibility in the same manner as Election Day voters. These early votes are often tabulated and reported shortly after polls close on Election Day. The increasing popularity of in-person early voting in states like Florida and Georgia over the last decade has likely contributed to those states' ability to report nearly complete unofficial results more quickly. Lawmakers in states without robust early voting can expand those opportunities to experience similar benefits.

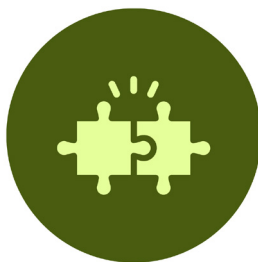
- **Providing regular, public updates and transparent reporting:** Officials can periodically provide public updates about the status of the count (ballots counted, ballots remaining, ballots pending cure, etc.) to bolster confidence in the process and provide interested parties with a better sense of when unofficial results will be complete.

## How Losing Candidates Exploit Vulnerabilities in the Post-Election Period

In the days immediately following an election, officials ensure that all ballots are secured and the results are accurate:



Officials ensure that all **ballots are securely stored** and the results are **accurately reported**.



Officials **verify and reconcile polling place and central count results**, as prescribed by state law.



Officials follow state procedures to **correct any discrepancies** uncovered during this process.



Officials **deliver the verified results** to county and state officials for **certification**.

Despite these protections, some officials and losing candidates have recently tried to conduct additional investigations or refuse to certify results based on unfounded claims of voter fraud or wrongdoing. Others have brought their dubious claims to court in a last-ditch effort to undo the will of the voters.



## Vulnerability #1: Audits Happen Too Late

*Why it matters: When audits happen too late in the process to correct any mistakes before certification, this creates opportunities for bad actors to claim the entire process is untrustworthy.*

During the canvassing stage, local and then state officials compile and check the accuracy of results from voting locations and central count locations before they can be certified. State law generally requires numerous checks and balances throughout the bipartisan local canvassing processes. However, some checks, such as audits, may occur too late in the process to allow election officials to correct rare instances of mistakes during canvassing.

This creates the opportunity for losing candidates and motivated bad actors to accuse election officials of wrongdoing or call into question the validity and accuracy of the results as a whole, because certification is occurring before election officials can audit the results.



### **The Solution: Establish Pre-Certification Audits**

[Nearly every state](#) requires some type of post-election audit to verify that election processes proceeded according to law and ballot counting was accurate. However, the timing and scope of these audits vary significantly between states. Ideally, states can implement an audit process similar to that in [Arizona](#), where each county conducts a partial recount of election results *before certification*. The pre-certification timing allows Arizona counties to correct any errors that the audit may uncover before finalizing results. Certifiers and voters alike can feel confident that the results accurately reflect voters' choices.

## Vulnerability #2: Certification Delays and Refusals

*Why it matters: Partisan-motivated refusals to certify could prevent newly elected officials from taking office on time. In presidential elections, these delays could threaten a state's electoral votes and cause lasting damage to public confidence.*

After election officials confirm the accuracy of election results by completing the verification (canvassing) process, a certifying body (which can be a standing governing body, such as a county board of supervisors or a special purpose collection of local officials must fulfill the statutory duty to certify the winners of the election based on the canvassed results.

In recent years, we've seen an increase in county certifiers refusing to complete their duty. The laws governing certification define the duty as mandatory ("officials *shall* certify"); however, recalcitrant certifiers, unhappy with election results, have wrongly claimed they have the authority to conduct additional investigations, even though state law limits these investigations and reconciliations to the canvassing phase.

These actions can delay certification and prevent state and local officials from meeting certain deadlines, which ensure that officeholders selected by voters may begin service on time. In one notable hypothetical stemming from the Electoral Count Act, states that cannot certify their presidential electors by six days before they meet to cast their votes risk a January 6th-style challenge. In this situation, the validity of the state's electoral votes could be called into question when Congress meets to certify the presidential election in January.

State laws are sometimes unclear when it comes to cures in response to certifiers who refuse to perform their duty. Unclear or undefined legal deadlines and evidentiary standards, or questions about the right venue for filing, can make seeking help through the courts a challenging process.

## Real-World Example: Arizona County Board Members Shirk Certification Duty, Causing Delay and Threatening State Deadlines



In the days following the 2022 election in Arizona, two out of three members of the Cochise County Board of Supervisors [refused to certify](#) the county's results, as required by state law, despite returns showing an overwhelming margin of victory. Though these supervisors cited an unfounded concern about election equipment, it was clear that the real impetus behind their refusal was frustration with the results from Maricopa County, 250 miles away, and where roughly 60% of the state's voters live.

The supervisors' refusal was forbidden by state law and threatened to cancel the votes of all the county's voters. The supervisors eventually fulfilled their duty to certify, but only after a court ordered them to do so, setting a dangerous precedent.

Furthermore, some state laws may lack a mechanism for replacing certifiers who fail to fulfill their duty, and state officials may lack the authority to compel certification or complete the certification process themselves if a county fails to certify.



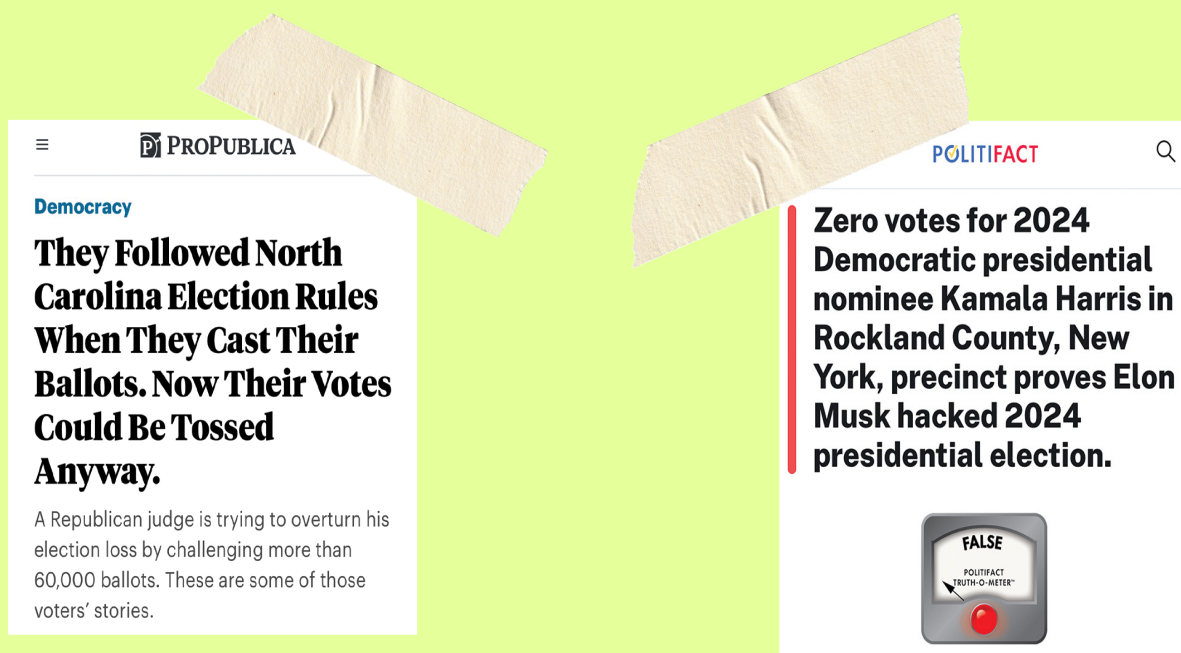
## **The Solution: Improve Certification Processes**

*States can take steps to strengthen the certification process by:*

- **Using clear language for removing certifier discretion:** States can adopt language that clearly defines certification as a required, non-discretionary duty. Michigan voters added such protections as part of an [election reform ballot question](#) approved by strong margins in 2022.
- **Create enforcement mechanisms:** Voters and affected candidates should have clearly defined remedies (administrative and/or judicial) to compel certification when officials fail to fulfill their duties.
- **Create a process to replace holdouts:** In extreme cases, state laws can provide a process to replace certifiers who fail to perform their duties.
- **Establish a backup process for localities refusing certification:** States can also establish a process for state officials to complete local certification if it is not completed by a specified deadline. For example, [Michigan state law](#) empowers the state board of canvassers to complete a county's certification if its county board fails to do so within 14 days after Election Day.
- **Require presidential electors to take an oath:** The Constitution gives states the authority to determine who is awarded the privilege of serving as a presidential elector. Statutes can clearly define electors' duty to vote for the candidate they pledged to support and require them to complete an oath affirming this duty. States can also establish a transparent process for replacing electors who fail to abide by their pledge or otherwise become incapacitated or ineligible to serve. Penalties should also exist to deter outside efforts to subvert the state's legislatively approved process for formally affirming the voters' choices.

## Real World Examples: Recent Dubious Legal Challenges in North Carolina and New York

After the 2024 election, disgruntled losing candidates filed questionable legal challenges seeking to reverse results or require new elections.



In **North Carolina**, a losing candidate for a state supreme court race contested the election and sued to [throw out over 60,000 lawfully cast ballots](#). This dubious lawsuit dragged out certification of the race for months as the case wound its way through state and federal courts before [a federal court finally rejected the challenge](#) in May 2025. In addition to setting a bad precedent, this delay led to months of uncertainty for thousands of voters whose ballots were at risk and cast a long shadow over the integrity of North Carolina's highest court.

In **Rockland County, New York**, an activist organization continues to challenge the 2024 election results, despite the candidate who originally filed the suit withdrawing as a litigant in March. The lawsuit relies on unproven theories concerning election equipment, and [election officials and experts agree](#) that the election results suggest normal, historical voting trends in the area, rather than any fault in election administration.

## Vulnerability #3: Frivolous Post-Election Lawsuits

*Why it matters: State laws are often vague in terms of the minimum standards of evidence needed to support judicial challenges. This vagueness enables disgruntled candidates to file frivolous claims in an attempt to overturn results, threatening certification deadlines and sowing disinformation and distrust.*

State laws often provide one or more processes for candidates in close races to contest results through a recount or court action. While these options are essential for candidates in the rare instance of an error that may have impacted the outcome of a race, they can also be abused by losing candidates when state laws lack sufficient safeguards to weed out unsubstantiated challenges.

The [dozens of meritless lawsuits](#) filed after the 2020 election set an example that later candidates have adopted, with judicial challenges sometimes stretching months, and [even years](#), after elections have concluded. The lack of clarity around acceptable grounds for these suits allows candidates to litigate issues that courts should have decided before the election in an attempt to throw out the ballots of rule-abiding voters. Candidates have recently filed suits, attempting to toss out tens of thousands, or, in the most egregious cases, [millions](#) of eligible ballots.

Many states are vulnerable to these challenges due to a lack of clarity concerning current policies. Partisan-motivated actors have used the last three federal elections (2020-2024) to test and fine-tune ways to subvert the election process and potentially overturn results.

Recent efforts, like the North Carolina Supreme Court challenge, have come closer than ever before to overturning an election. Without intervention, bad actors will continue to exploit these vulnerabilities, in both tested and yet untested ways, to undo the will of voters in service of their political ambitions.



### **The Solution: Clarify Post-Election Challenge Procedures**

*State lawmakers and administrators can address these vulnerabilities by:*

- **Defining narrow grounds for lawsuits:** States can limit lawsuits to legitimate issues that could change the outcome and dismiss those that would not affect enough votes to change the results.

- **Protecting challenged voters:** States can ensure that voters are given notice and opportunities to correct technical issues before disqualifying their votes.
- **Create firm timelines:** States can resolve challenges quickly to avoid delays in certification and ensure new officials can take their seats on time.

## Methodology

This report, primarily authored by Daniel Griffith, senior director of policy at Secure Democracy Foundation, relies on several sources for its analysis and conclusions. It builds upon [original policy analysis](#) from the team behind Secure Democracy Foundation, draws on our knowledge from working across over a dozen states in recent years, and builds on our ongoing conversations with lawmakers, election administrators, and state and national partners. We also consulted resources from the National Conference of State Legislatures (NCSL), including its work on [post-election audits](#), Verified Voting's [verifier tool](#), Voting Rights Lab's [Election Policy Tracker](#), and local and national media coverage related to these issues.

**For questions regarding our methodology, the contents of this report, or for media requests, [please contact us](#).**

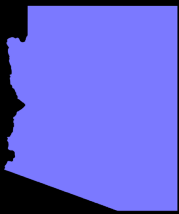
**"Without intervention, bad actors will continue to exploit these vulnerabilities, in both tested and yet untested ways, to undo the will of voters in service of their political ambitions."**

**Secure Democracy Foundation** is a nonpartisan, 501(c)(3) nonprofit organization building stronger elections, state by state. Our work is state-focused, informed by election policy insights from a national perspective, and realized by seizing common ground.



# State Fact Sheets

For state-specific fact sheets outlining key vulnerabilities in state election laws and procedures — and solutions for overcoming them — click each state below or [visit our website](#).



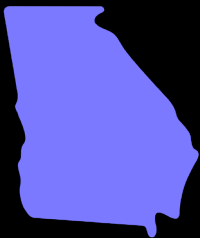
Arizona



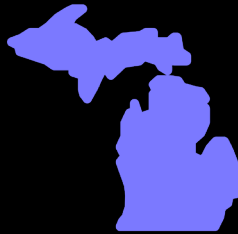
California



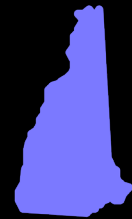
Florida



Georgia



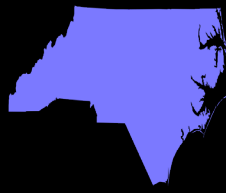
Michigan



New Hampshire



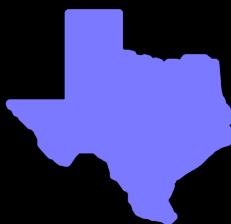
New York



North Carolina



Pennsylvania



Texas



Wisconsin