



October 20, 2025

U.S. Election Assistance Commission
633 3rd Street NW, Suite 200,
Washington, DC 20001
Attn: Office of the General Counsel

Re: Docket number EAC-2025-0236

Dear General Counsel Kelliher:

On behalf of the League of Women Voters (“LWV” or “the League”), we write in response to the petition filed by the America First Legal Foundation to begin the rulemaking process to consider requiring documentary proof of citizenship (“DPOC”) for use with the federal voter registration form.

The League is a 105-year-old nonpartisan, nonprofit, grassroots membership organization whose mission is to ensure that everyone is represented in our democracy. Founded after the ratification of the Nineteenth Amendment by many of the same women who had fought and won the right to vote, the League began its work by helping newly enfranchised women participate in the electoral process. We are a grassroots organization comprised of over one million members and supporters in all fifty states and DC, with nearly eight hundred local and state Leagues. The League is nonpartisan — neither supporting nor opposing candidates or political parties at any level of government — and is committed to protecting the freedom to vote. The League uses advocacy, education, litigation, and organizing to achieve our mission to empower voters and defend democracy. We base our work on policy positions developed through consensus by League membership to ensure our advocacy reflects best practices and a nationwide perspective.

The League comprises two entities: the League of Women Voters of the United States (“LWVUS”) and the League of Women Voters Education Fund (“LWVEF”) (collectively, “LWV” or “the League”). LWVUS encourages informed and active participation in government, works to increase understanding of major public policy issues and influences public policy through education and advocacy. LWVUS is a 501(c)(4) social welfare organization. LWVEF, a 501(c)(3) tax-exempt educational nonprofit, works to register voters, provide voters with election information through our election resource VOTE411.org, candidate forums and debates, combat misinformation, mobilize voters, and engage in advocacy to ensure well-run elections and encourage participation in the democratic process. There are nearly eight hundred state and

local Leagues across the country that are separately incorporated and affiliated with the national League.

The League founded the Motor Voter Coalition in the 1980s and 1990s and served as national co-chair of the campaign to pass and implement the *National Voter Registration Act of 1993* (“NVRA”). The League has been one of the foremost defenders of the NVRA by notifying Secretaries of State of noncompliance, working with them to correct NVRA violations, and, when necessary, filing enforcement actions. The League has filed and intervened in lawsuits and filed amicus briefs to enforce and defend the NVRA in states including Alabama, Arizona, California, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Missouri, North Carolina, Ohio, Texas, and Virginia. We have also filed litigation and participated as amici in other challenges to restrictions on voter registration and the right to vote. Government bodies, journalists, and the public at large rely on the League for our expertise in voter registration processes, which are different in every state.

The League has also challenged the inclusion of documentary proof of citizenship by federal and state officials for decades, even pulling our support for the *Help America Vote Act of 2002* when lawmakers considered adding such requirements to the final legislation. Notably, the League has also successfully blocked attempts to add DPOC to the federal voter registration form in the cases of *Fish v. Schwab*, *LWV v. Newby*, and *Arizona v. Inter Tribal Council of Arizona, Inc.*

The League believes that voting is a fundamental citizen right that must be guaranteed. We agree with the petitioners that only eligible American citizens should be allowed to vote in federal elections and that “[b]olstering public confidence is crucial for maintaining the legitimacy and fairness of elections and reinforces the foundational principle that only every legitimate vote should count.” However, we fundamentally disagree about the utility, legality, and tangible impact of documentary proof of citizenship requirements.

Existing Voter Registration Processes

It is already unlawful for non-citizens to register and vote in federal or state elections

Processes are already in place to ensure our elections are secure and that only eligible voters are casting ballots. State election officials have systems to verify an individual voter’s eligibility and ensure voter rolls are accurate. The petitioners’ proposal to require specific documents to prove American citizenship to register to vote in federal elections is unnecessary. The US Constitution does not allow non-citizens to vote in federal and state elections. All states require voters to affirm or verify their citizenship status.

The petitioners cite the *League of Women Voters of the United States v. Newby* decision. The petitioners conclude that “[s]tates are unable to meaningfully verify citizenship, allowing ineligible aliens to register and vote,” thus the EAC must require DPOC in the federal voter registration form. This is a false premise. States can and do verify the citizenship of applicants who submit voter registration forms. In fact, states have successfully verified applicants’

citizenship for decades.¹ Once a registration form is received, election administrators follow procedures, as directed by their state, to verify the applicant’s eligibility, including citizenship status.

Therefore, instead of improving our elections, requiring documentary proof of citizenship would severely weaken and threaten the ability of every eligible American to register or update their registration to vote.

The *National Voter Registration Act (NVRA)* sets parameters for the federal voter registration form

The League was instrumental in the drafting and passage of the *National Voter Registration Act of 1993* (NVRA), which increased opportunities for registering to vote across the country. Since its enactment, the NVRA has enabled millions of eligible Americans to register to vote and streamlined state laws to make the voter registration process more accessible. It is a landmark piece of legislation that has helped millions of eligible Americans register to vote when seeking a driver's license or public assistance from a designated agency.

The NVRA sets substantive limits on what the federal voter registration form can require of applicants. Section 9(b) of the NVRA prescribes the registration form's contents.² In this statute, Congress prescribed that the form may require “only such identifying information. . .as is necessary to enable the appropriate state election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.”³ Congress directed that the form contain “identifying information” and prohibited any requirement for “authentication.”⁴ In other words, Congress intended that only information that can be written on a form be required. Additional separate documentation proving citizenship is not “identifying information.”

In quoting this section of the NVRA, the petitioners misrepresent the power given to the EAC, stating, “The NVRA also empowers the EAC to ‘require . . . information . . . necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.’”⁵ This misrepresentation implies that the EAC can collect *any* information that supports the eligibility of the applicant. But that is not accurate. The petitioners rely on the misleading use of ellipses; it should say, “require **only such**

¹ <https://www.ncsl.org/elections-and-campaigns/legislative-approaches-to-ensuring-only-citizens-vote#voter-registration>

² 52 U.S.C. § 20508(b); see also *League of Women Voters of the U.S. v. Newby*, 838 F.3d 1, 13 (D.C. Cir. 2016) (“[S]ection 20508(a)(2) directs the Commission to create the Federal Form and section 20508(b)(1) sets limits on the contents of that form.”); *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 18 (2013) (Section 9(b)(1) of the NVRA “acts as both a ceiling and a floor with respect to the contents of the Federal Form”).

³ 52 U.S.C. § 20508(b)(1).

⁴ 52 U.S.C. § 20508(b)(1) & (b)(3).

⁵ https://www.eac.gov/sites/default/files/2025-08/America_First_Legal_EAC_DPOC_Rule_Petition.pdf

identifying information necessary to enable the appropriate state election official to assess the eligibility of the applicant.”⁶

Further, the petitioners incorrectly assert the current voter registration form is inadequate, “as it depends entirely on the honesty of applicants” in their self-attestation that they are a United States citizen. This statement is misleading because it fails to account for the purpose of the self-attestation statement. Self-attestation of eligibility and citizenship status is affirmed under penalty of perjury, which carries criminal penalties. This part of the voter registration form provides not only a deterrent effect for ineligible voters but also allows for the prosecution of those who register illegally.

Harm to be Caused by Adding Documentary Proof of Citizenship Requirements

DPOC requirements could prevent millions of Americans from voting

Documentary proof of citizenship policies violate the US Constitution by imposing an undue burden on the constitutional right to vote, as many eligible voters do not have access to the necessary documents to prove their citizenship. In fact, about 146 million American citizens do not have a passport, one of the acceptable forms of proof of citizenship.⁷ This is especially true in rural areas. In West Virginia, Mississippi, and Alabama, over 70% of citizens do not have a passport.⁸

Millions of Americans will need to spend time and money to acquire documents they do not currently possess to prove their citizenship. Passports are not free and often require months to apply for and receive them by mail. Replacing a birth certificate or driver’s license also comes with financial costs. Voters will need to plan many months ahead of registration deadlines to receive the documentation necessary to register to vote, in addition to committing the time required to travel to the offices responsible for issuing official documents.

Many eligible voters would be disproportionately burdened by documentary proof of citizenship requirements. Among them are young Americans and military service members who move regularly and would be required to provide documentation every time they re-register to vote. Many military service members would not be able to use their military ID alone to prove citizenship—they would still need additional documentation to show their birthplace or naturalization status. Families impacted by natural disasters who lost important documentation would be required to jump through hoops to replace these documents to register to vote, while also going through the traumatic process of rebuilding their lives. Additionally, Americans who have changed their name, like married women, would be required to secure updated documentation to register to vote. An estimated 69 million American women lack a birth

⁶ 52 U.S.C. § 20508(b)(1).

⁷ <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/#:~:text=Half%20of%20American%20citizens%20do,the%202024%20presidential%20general%20election>

⁸ Id; <https://www.americanprogress.org/wp-content/uploads/sites/2/2025/01/SAVEact-tables.pdf>

certificate that reflects their current name.⁹ The petitioners claim that “the overwhelming majority of U.S. citizens already possess such identification,” but conveniently fail to quantify that number or cite the number of eligible voters who do not possess appropriate DPOC.

The petitioners correctly highlight that some races are decided by a small number of votes. However, they go on to emphasize the need for DPOC, lest fraudulent votes make up the small margin that decides a race. By that logic, disenfranchising a much larger number of eligible voters via DPOC requirements would have a far greater effect on swinging elections.

The League will be directly impacted by DPOC requirements

In addition to its advocacy work, the League has repeatedly turned to litigation to protect and enforce the provisions of the NVRA. Specifically, LWV and our state affiliates across the country have been involved in litigation to protect voters from harmful, discriminatory laws requiring documentary proof of citizenship (DPOC) to register to vote. In 2016, the League, the Georgia State Conference of the NAACP, and others filed a suit against the Commission and its Executive Director, challenging the Executive Director’s decision to allow states to require documentary proof of citizenship with the federal form. In 2021, a federal court entered summary judgment in the Plaintiffs’ favor.¹⁰

This could also prohibit or significantly hinder third-party voter registration activities. Organizations like the League would no longer be able to effectively register voters in their communities. If voters are required to present DPOC when they register, it is unlikely that eligible registrants would happen to be carrying appropriate DPOC at the types of events in which the League typically conducts voter registration drives. The League would also need to provide a photocopier, which is burdensome and impractical in most situations, and potential registrants would need to be comfortable providing League volunteers with personal and confidential information. This will impede the work of the League to empower voters and defend democracy, as well as harm Americans whom the League would have registered if they were not required to present DPOC. Those eligible voters would have to find the time to independently ensure that they are registered to vote, and undoubtedly, many of them would ultimately not register.

Providing education and assistance to our members and the general public about voter registration is a critical activity that supports our core mission to ensure every eligible citizen is registered to vote and can participate in our democracy. Through our work, LWVEF and state and local Leagues help hundreds of thousands of voters register to vote every election cycle and are instrumental in ensuring access to voter registration for all eligible citizens. Along with state and local Leagues, the League uses state voter registration forms and the federal voter registration form to assist voters in registering to vote.

⁹ <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>

¹⁰ *League of Women Voters of U.S. v. Harrington*, 560 F. Supp. 3d 177 (D.D.C. 2021).

The League also maintains VOTE411.org, a nonpartisan, award-winning website which ensures voters have the information they need to successfully participate in every election—local, state, and federal. VOTE411.org is an accessible, bilingual, user-friendly website that allows individuals across the nation to register to vote or update their voter registration. Because VOTE411.org is intended for potential voters nationwide, it provides access to the federal form through links to the EAC website and the Rock the Vote registration site, which relies on the federal form to provide individuals an opportunity to register to vote. Should the EAC accept the merits of this petition by making a rule to require DPOC to register to vote, the League would be required to update VOTE411.org to provide specific information about how to register to vote in every state. To ensure that the League’s mission is achieved, our website must provide information useful to all voters, even those without documentary proof of citizenship. This will be a burdensome task that will divert resources away from the League’s other core activities, such as advocacy to improve election procedures. This would cost thousands of dollars and consume hundreds of hours of staff time.¹¹

Legislation to require DPOC has had a demonstrable negative impact on voters’ ability to participate in elections in states where it has been implemented

In 2011, Kansas passed a law that required documentary proof of citizenship to register to vote.¹² This law blocked more than 31,000 eligible would-be voters from registering while it was in effect.¹³ By comparison, the evidence against the Kansas law included the state’s own record that only 39 noncitizens had registered to vote over the decade prior to the case’s hearing, 1999-2012.¹⁴ In 2020, the United States Court of Appeals for the Tenth Circuit struck down Kansas’ attempt to require documentary proof of citizenship to register to vote under the Fourteenth Amendment to the US Constitution.¹⁵

¹¹ The League is an organizational plaintiff in *League of United Latin Am. Citizens v. Exec. Off. of the President (LULAC)*, No. 25-0946 (CKK), 2025 WL 1187730 (D.D.C. Apr. 24, 2025). This case challenges the March 25, 2025, presidential Executive Order 14,248, titled “Preserving and Protecting the Integrity of American Elections.” To support the arguments in *LULAC*, the League filed the **attached** declaration explaining how documentary proof of citizenship on the federal form harms the League and its core mission of protecting and promoting voting rights, including increasing the number of eligible citizens who register to vote. The same reasons militate against adopting this proposed petition.

¹² <https://apnews.com/article/kansas-noncitizen-voting-proof-of-citizenship-50d56a0b8d1f0fde15480aab3db67f4f>

¹³ *Fish v. Kobach*, 309 F. Supp. 3d 1048, 1113 (D. Kan. 2018), *aff’d sub nom. Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020).

¹⁴ *Fish v. Schwab*, No. 18-3133 (10th Cir. 2020); *Justia*

¹⁵ *Id.* at 1121.

It is crucial to note that the types of proof the petitioners propose are even more burdensome than the Kansas law struck down in *Fish v. Schwab*. Specifically, petitioners propose requiring any document that can prove citizenship to either contain a photo or be accompanied by a photo ID. The policy proposed by petitioners could block millions of Americans from registering to vote in federal elections.¹⁶ Among those Americans, Black registrants would be significantly impacted.¹⁷

Legislation to require DPOC will burden election officials

The petitioners argue that uniform voting requirements across the country offer “significant advantages in terms of consistency and administrative efficiency” and “simplif[y] the verification process for election officials.” However, the requirement of DPOC inherently complicates the process of training election workers and any other government workers who would touch the voter registration process, like Motor Vehicle Bureau workers, to assess the documents presented to them and educate voters about the policy. Additionally, any DPOC requirement would be certain to introduce myriad questions from voters, some of which the League has already started to receive from voters in anticipation of a potential state or federal DPOC requirement. Additional questions can also be a burden to election officials.

A requirement of documentary proof of citizenship in a voter registration form will upend our current voter registration process to varying degrees, depending on how the EAC instructs that documentation is to be accepted. If documentation is required to be presented in person, as do many of the proposed DPOC bills introduced across the country, online, mail-in, and third-party voter registration will cease to exist. If documentation is permitted to be photocopied for submission by mail or in an online voter registration system, then states and local governments will be required to allot resources to update their systems to accept documentary proof of citizenship. Regardless of the method, any change to our current registration process that requires documentary proof of citizenship will burden the state and local election officials who administer federal elections.

Statutory Requirements of the EAC

If the EAC were to engage in a rulemaking to consider whether to add documentary proof of citizenship requirements to the federal form as this petition suggests, it would be subjected to the strict standards of the NVRA.

The Commission would have to consider whether the requirement of documentary proof of citizenship is necessary to assess voter eligibility.¹⁸ But the Commission should not, consistent with the NVRA, make such a determination, because a passport, for example, is not “necessary” to determining voter eligibility, as required under the NVRA.¹⁹ Indeed, when Kansas enacted

¹⁶ Kevin Morris and Cora Henry, “Millions of Americans Don’t Have Documents Proving Their Citizenship Readily Available,” Brennan Center for Justice, June 11, 2024, <https://tinyurl.com/bdebpbzm>.

¹⁷ *See id.*

¹⁸ 52 U.S.C. § 20928; *see also League of Women Voters of the U.S. v. Harrington*, 560 F. Supp. 3d 177 (D.D.C. 2021).

¹⁹ 52 U.S.C. § 20508(b)(1).

and implemented a documentary proof of citizenship law, a federal district court held—and the US Court of Appeals for the Tenth Circuit affirmed—that the state’s requirement of citizenship documents to register to vote violated Section 5 of the NVRA.²⁰

The League urges the EAC to reject this petition, as the requested actions conflict with the terms of the NVRA, which would disenfranchise millions of voters. **For questions, please contact Jessica Jones Capparell, Director of Government Affairs, at jjones@lwv.org.**

²⁰ *Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020). In the *Fish* case, the court was addressing Section 5(c) (2)(B) of the NVRA, which similarly has language about what information is “necessary” to determine voter eligibility. The Tenth Circuit confirmed a “presumption that the [citizenship] attestation [requirement] constitutes the minimum amount of information necessary for a state to carry out its eligibility-assessment and registration duties.” *Fish*, 957 F.3d. at 1142 (citing *Fish v. Kobach*, 840 F.3d 710, 739 (10th Cir. 2016)).