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[Organization] submits this comment in opposition to the petition submitted by America First Legal Foundation to amend the federal voter registration form to require a passport, which over half of Americans do not possess, or other documents that very few people have, to prove their citizenship. America First Legal's petition asks the Election Assistance Commission (EAC) to impose an illegal and unnecessary voter registration requirement that would effectively block millions of Americans from voting by imposing severe barriers to registration.

The EAC has already [rejected](#) multiple attempts to graft requiring documents like a passport or birth certificate onto the federal voter registration form, recognizing that doing so would both contravene federal law and block countless eligible American citizens from voting. There is no new evidence or legal change to justify reversing that longstanding position.

Like the SAVE Act, the America First Legal Foundation's petition seeks to add red tape to the way American citizens register to vote and update their voter registration information. Even more pressingly, millions of eligible American citizens—[students, people of color, rural residents, lower-income and working-class individuals, and married women](#)—face serious difficulties in obtaining or producing the documents required by America First Legal's petition. In fact, approximately [146 million Americans](#) do not have a valid passport, and more than [21.3 million people](#)—about 9.1% of voting-age U.S. citizens—do not have documents like a birth certificate or passport readily available to prove citizenship.

America First Legal's petition, which is being branded as a way to implement policies from the SAVE Act, is in some ways even more extreme than the SAVE Act. America First Legal's petition only permits the use of a passport or other documentation that many people don't possess to prove citizenship. Unlike the SAVE Act, the petition does not permit the use of a birth certificate to prove citizenship.

Even if the use of a birth certificate to prove citizenship were permitted, that would be a barrier for many Americans, especially for many married women. Roughly 84% of American women who marry change their surnames, meaning their birth certificates no longer match their legal names. That translates into approximately [69 million women](#) who would be unable to use their birth certificate alone as proof of citizenship and would be forced to provide even more documentation, such as marriage certificates or divorce decrees, imposing significant bureaucratic and financial barriers.

The impact of requiring a passport or other documentation that very few people possess, on would-be voters is not theoretical. The experience of states that have imposed additional and unnecessary documentation requirements for citizens to register to vote for state elections have demonstrated the severe risk of blocking eligible American citizens from being able to vote. For example, Kansas blocked [over 30,000 residents](#) from registering to vote in a two-year

experiment with requiring additional documentation for voter registration, over 99% of whom—by the state’s own admission—were U.S. citizens. Similarly, earlier this year, there were several recorded instances of [married women being blocked from the ballot box](#), and ultimately even disenfranchised, because of New Hampshire’s law requiring additional and unnecessary documentation for voter registration.

In addition to imposing incredible burdens on would-be voters, adding additional and unnecessary documentation requirements to the federal form would violate federal law. The National Voter Registration Act (NVRA) spells out the requirements for the content of the federal voter registration form, permitting the form to require “only such identifying information” that is “necessary” to determine eligibility to register. The NVRA requires attestation under the penalty of perjury that the registrant is a U.S. citizen. It does not require, or permit, separate documentation of citizenship.

Nor is there any factual basis for adding additional and unnecessary documentation requirements, like a passport, for voter registration. Federal law prohibits non-citizens from voting in federal elections, and the federal form already requires applicants to swear under penalty of perjury that they are U.S. citizens. America First Legal’s petition claims that these requirements are “inherently inadequate” is contradicted by the fact that non-citizen voting is practically non-existent. States already have laws and practices in place that effectively ensure only American citizens vote and the data shows that these safeguards are working. For example, Louisiana recently performed an audit of election records going back to the 1980s. In reviewing over 40 years of election records, the state identified only 390 people who *may* not be citizens on the state’s voter rolls, with [only 79](#) of those having cast a ballot in nearly half a century. Over that same period, experts estimate that at least 74 million votes were cast in the state. Similarly, demonstrating the effectiveness of existing laws and safeguards, a 2024 audit by the Georgia Secretary of State similarly found [only 20](#) non-citizens on the voter rolls, out of 8.2 million registered voters in the state.

Ensuring election integrity is vital to our democracy and public trust in elections, but it must be done in a way that meaningfully addresses real threats to our elections and does not disenfranchise American citizens. Requiring a passport or other documentation that very few American citizens possess on the federal form would not enhance election integrity. Instead, it would block millions of eligible American citizens from registering to vote—including married women, lower-income and working-class citizens, and communities of color—while violating federal law. We respectfully urge the Commission to protect the right to vote of American citizens and reject the America First Legal petition.