

EXAMINING POTENTIAL UPDATES TO THE NVRA

HEARING
BEFORE THE
SUBCOMMITTEE ON ELECTIONS
OF THE
COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

DECEMBER 10, 2025

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C O N T E N T S

	Page
OPENING STATEMENTS	
Chair Laurel Lee, Representative from the State of Florida	1
Prepared statement of Chair Laurel Lee	3
Ranking Member Terri A. Sewell, Representative from the State of Alabama .	4
Prepared statement of Ranking Member Terri A. Sewell	6
Prepared statement of Ranking Member of the Committee on House Adminis- tration Joseph Morelle	55
WITNESSES	
Mark Braden, of counsel, Baker Hostetler	7
Prepared statement of Mark Braden	9
Michael Morley, faculty director of the Election Law Center, Sheila M. McDevitt Professor of Law	15
Prepared statement of Michael Morley	17
Sophia Lin Lakin, director, Voting Rights Project, American Civil Liberties Union	24
Prepared statement of Sophia Lin Lakin	26
SUBMISSIONS FOR THE RECORD	
League of Women Voters statement	51
Southern Poverty Law Center written statement	72

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December 10, 2025

SUBCOMMITTEE ON ELECTIONS,
COMMITTEE ON HOUSE ADMINISTRATION,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

The Subcommittee met, pursuant to notice, at 3:38 p.m., in room 1310, Longworth House Office Building, Hon. Laurel Lee [Chair of the Subcommittee] presiding.

Present: Representatives Lee, Miller, Sewell, Morelle, and Johnson.

Staff present: Mike Platt, Staff Director; Rachel Collins, General Counsel; Abby Salter, Deputy General Counsel; Jordan Wilson, Director of Member Services; Kristen Monterroso, Director of Operations; Josh Weber, Counsel; Annemarie Cake, Professional Staff and Deputy Clerk; Jamie Fleet, Minority Staff Director; Khalil Abboud, Minority Deputy Staff Director; Nikolas Youngsmith, Minority Elections Counsel; Sarah Nasta, Minority Senior Advisor and Director of Outreach; and Owen Reilly, Minority Professional Staff.

OPENING STATEMENT OF HON. LAUREL LEE, CHAIR OF THE SUBCOMMITTEE ON ELECTIONS, A U.S. REPRESENTATIVE FROM FLORIDA

Chair LEE. The Subcommittee on Elections of the Committee on House Administration will come to order.

The title of today's hearing is "Examining Potential Updates to the NVRA."

I note that a quorum is present. Without objection, the Chair may declare a recess at any time. Also, without objection, the hearing record will remain open for five legislative days so Members may submit any materials they wish to be included therein.

Today the Committee on House Administration's Subcommittee on Elections will continue its oversight of Federal election law.

Thirty-two years ago, the National Voter Registration Act, or the NVRA, was passed with the goal of increasing voter registration, removing bureaucratic barriers, and ensuring States accurately maintain their voter rolls. Today we will discuss ways to strengthen those original goals of the NVRA.

According to the Election Assistance Commission, today over 86 percent of the eligible voting population are active registered voters. Contrast that to 1992, right before the law's passage, when

registration was at 68 percent. That is a great thing for our democracy.

As a former secretary of state, I believe it is incumbent on us as policymakers to continuously seek feedback from elections officials on the ground about what works, what can be improved, and how changes in technology and resources affect elections administration.

Throughout my time as Florida's Secretary of State and as a Member of Congress, I have had many of those discussions, including with other secretaries of state and local elections officials.

This hearing will examine opportunities to update the NVRA, to strengthen voter confidence in our election laws, and improve election administration.

Thoughtful review and modernization of the NVRA will improve elections administration and remove barriers to efficiency.

Currently, the NVRA requires that States conduct a general program that makes reasonable efforts to remove the names of ineligible voters from the official list of eligible voters.

This ambiguous language has left courts to issue broad rulings about what constitutes general and reasonable. This ultimately means States are not required and sometimes not even permitted to remove ineligible voters due to errors on their registration form, lack of U.S. citizenship, criminal conviction, mental incapacity, or other reasons consistent with their State laws for which a registration may be invalid.

Election officials benefit from clear and unambiguous laws which will help them to carry out their duties and to ensure voter lists are accurate and up-to-date.

We have had witnesses testify in this very room about how the NVRA's language actually prevents election officials from conducting robust list maintenance in the manner they think appropriate.

Examples include the blackout period for list maintenance and delays in removing voters who have moved to a new jurisdiction. In some cases a voter who has moved must request removal, and an election official must wait two general election cycles to remove a now ineligible or relocated voter.

We must also recognize that modern technology has made certain provisions of the NVRA obsolete. While 30 years have passed since the NVRA's enactment, many of the functions that still need to be performed can now be done more efficiently.

As another example, the NVRA's language requires States to make voter rolls available for inspection by photocopying. As a result, a court of appeals has found that the State of Alabama can charge enormous amounts for printing copies of its voter rolls, as opposed to producing and delivering digital copies for a fraction of that cost.

This is another example of how evolving technology has highlighted the need for updating the NVRA to better reflect the practical realities of today.

Before concluding, I would also like to touch on the importance of reviewing and clarifying the NVRA when it comes to confirming a registrant's citizenship. The NVRA does not currently require an

applicant to prove their citizenship beyond an attestation clause and a signature.

One recent example of this which generated significant media headlines is the recent arrest of Ian Roberts, an illegal immigrant who successfully registered to vote in Maryland twice.

Last week, Chairman Steil and I sent a letter to the Maryland State Board of elections seeking a detailed assessment of how a non-U.S. citizen was able to register to vote, and that letter was sent in furtherance of protecting the integrity of the franchise.

The Committee will continue to review this case or any case happening across the country.

Let me end with something I think we can all agree on: Improving the administration of our elections and ensuring voters' voices remain heard should be central to all of these discussions. Elections officials on the ground need access to the right tools and clear direction in order to do this.

I look forward to further discussing ways to improve our system to bolster election integrity and efficiency across the country.

I thank our witnesses for being here today, and I look forward to our conversation.

With that, I yield to Ranking Member Sewell for an opening statement.

[The prepared statement of Chair Lee follows:]

**PREPARED STATEMENT OF CHAIR OF THE SUBCOMMITTEE
ON ELECTIONS LAUREL LEE**

Today, the Committee on House Administration's Subcommittee on Elections will continue its oversight of Federal election law. 32 years ago, the National Voter Registration Act, or the NVRA, was passed with the goal of increasing voter registration, removing bureaucratic barriers, and ensuring States accurately maintain their voter rolls. Today we will discuss ways to strengthen the original goals of the NVRA. Let me begin with the great news: According to the Election Assistance Commission, today, over 86 percent of the eligible voting population are active registered voters. Contrast that to 1992—right before the law's passage—when registration was at 68 percent. That is a great thing for our democracy.

As a former secretary of state, it is incumbent on us as policymakers to continuously seek feedback from election officials on the ground about what works, what can be improved, and how changes in technology and resources affect elections administration. Throughout my time as Florida's Secretary of State and as a Member of Congress, I have had many of those discussions—including with other secretaries of state.

My goal with this hearing is to examine ways we can update the NVRA to strengthen voter confidence in our election laws and improve election administration. It is my view, and I believe that of countless other State and local election officials, that thoughtful review and modernization of the NVRA will improve elections administration and remove barriers to efficiency. The NVRA requires that States conduct a "general program that makes a reasonable effort to remove the names of ineligible voters from the official list of eligible voters." This ambiguous language has left courts to issue broad rulings about what constitutes general and reasonable. This ultimately means States are not required, and sometimes not even permitted, to remove ineligible voters due to errors on their registration form, lack of U.S. citizenship, criminal conviction, mental incapacity, or other reasons consistent with State law for which a registration may be invalid.

Election officials benefit from clear and unambiguous laws, which both help them to carry out their duties and ensure voter lists are accurate and up to date. We have had witnesses testify in this very room about how the NVRA's language actually prevents election officials from conducting robust list maintenance in the manner they think appropriate. Examples include the blackout period for list maintenance, and delays in removing voters who have moved to a new jurisdiction. In some cases, a voter who has moved must (1) request removal and (2) an election official must wait two general election cycles to remove the now ineligible voter. We must also

recognize that modern technology has made certain provisions of the NVRA obsolete. While 30 years have passed since the NVRA's enactment, many of the functions that still need to be performed can now be done more efficiently.

As another example, the NVRA's language requires States to make voter rolls available for inspection by "photocopying." As a result, a Court of Appeals has found that the State of Alabama can charge enormous amounts for printing copies of its voter rolls, as opposed to producing and delivering digital copies for a fraction of the cost. This is one example of how evolving technology has highlighted the need for updating the NVRA to better reflect practical realities today.

Before concluding, I would also like to touch on the importance of reviewing and the NVRA when it comes to confirming a registrant's citizenship. The NVRA does not currently require an applicant to prove their citizenship beyond an attestation clause and a signature. One eye-opening example of this—which generated significant media headlines—is the recent arrest of Ian Roberts, an illegal immigrant who successfully registered to vote in Maryland—twice. Last week, Chairman Steil and I sent a letter to the Maryland State Board of Elections seeking a detailed assessment of how non-U.S. citizens are able to register to vote, in furtherance of protecting the integrity of the franchise. The Committee will continue to investigate cases of this happening across the country. Let me end with something I think we all can agree on: improving the administration of our elections and ensuring voters' voices remain heard should be central to any of these discussions. Election officials on the ground need access to the right tools and clear direction to do this. I look forward to further discussing ways to improve our system to bolster election integrity and efficiency in our country.

OPENING STATEMENT OF HON. TERRI A. SEWELL, RANKING MEMBER OF THE SUBCOMMITTEE ON ELECTIONS, A U.S. REPRESENTATIVE FROM ALABAMA

Ms. SEWELL. Thank you, Madam Chair.

As Ranking Member of the Elections Subcommittee and the Representative of Alabama's civil rights district, there is nothing more important to me than ensuring that every eligible voter can register to vote and cast their ballot without facing unnecessary barriers. Far too often Americans have to jump through unnecessary hurdles to try to make their voices heard.

Ever since the 2020 election, the American people have been bombarded with misinformation and disinformation about the integrity of our elections, lied to about the rampant voter fraud, and misled by false claims that the 2020 election was stolen.

To make matters worse, State legislatures have used every tool in their toolkit at their disposal to enact new barriers to the ballot box. Just this year, 47 State legislatures attempted to pass 469 restrictive bills to make it even harder to vote. Many of these new laws were created to fuel the false narrative that our elections are not secure.

Today, we are here to talk about the potential updates to the National Voter Registration Act, a law passed in 1993 with the goal to increase voter participation.

The NVRA is a critical component to our Federal voting legislation, and it provides vital access and protections to voters as well as guardrails for election officials to conduct voter maintenance.

I believe that proper voter list maintenance is an integral part of an election administration, but too often we have seen anti-democratic purges of eligible voters conducted in the name of valid list maintenance.

An extremist will stop at nothing to try to convince the American people that noncitizens and dead people are voting. For example, in my home State of Alabama, our Secretary of State proudly proclaimed one day, day one of his administration, that he was remov-

ing Alabama from the Electronic Voter Registration Information Center, or ERIC, a nonprofit, nonpartisan membership organization of States that has proven to be one of the most effective tools for helping election officials maintain accurate rolls.

Unfortunately, our Secretary of State gave into conspiracy theories and withdrew Alabama from that organization with no plans for how he was going to replace that level of voter list maintenance information.

To make matters worse, Secretary Allen was sued in the fall of 2024 after he attempted to conduct an illegal voter purge program ahead of the 2024 election, one that threatened to deny thousands of qualified citizens in Alabama their right to vote.

As we discuss any potential updates to the NVRA, we must ensure that they are balanced and that we ensure that we balance protecting access to the variety of voter registration opportunities and ensuring eligible voters are not purged from the rolls with proper voter list maintenance.

We all want cleaner voter rolls, and that requires a thoughtful and deliberate approach.

In July, this Committee held a hearing reviewing voter list maintenance standards, during which one of the Republican witnesses stated that, quote: "It has never been easier in the United States to register to vote as it is today."

It is true that it is easier to register to vote today than it was in 1993 when the NVRA was passed. However, at the same time, in that hearing we heard from Mary Kay Helling of North Carolina about just how many barriers she faced in trying to remain on the voter rolls. Despite being a lawfully registered voter, Mary Kay told us the story of how long it took her to be counted to stay on the voter registration rolls.

I say all this to say that while there are many ways in which we can update the NVRA, we must first acknowledge the fact that there is no widespread voter fraud and that the 2020 election was secure and that too many voters still face barriers to the ballot box.

In fact, instead of making sure every voter can register to vote and cast their ballot, the President and this administration continue to undermine voter confidence in our elections while attempting to circumvent the Constitution and erect barriers to voting.

Voters in Alabama, like everywhere else, continue to face many barriers to the ballot box than voters in other States, and that is not democracy at work.

No one benefits when eligible voters are unlawfully purged from the rolls. Every effort should be made to ensure before anyone is deprived of their right to vote that all laws are followed and that the person being removed is a person who should be removed.

I look forward to the hearing today, and I do look forward to talking about some updates that we can have, like automatic voter registration and same-day registration in States like Alabama which will not have it unless we actually mandate it nationally.

I want to commend the Chairwoman for having today's hearing and thank all the witnesses for being here. I welcome your testimony. Thanks.

[The prepared statement of Ranking Member Sewell follows:]

**PREPARED STATEMENT OF RANKING MEMBER OF THE
SUBCOMMITTEE ON ELECTIONS TERRI A. SEWELL**

As Ranking Member of the Elections Subcommittee and the Representative of Alabama's civil rights district, there is nothing more important to me than ensuring that every eligible voter can register to vote and cast their ballot without facing unnecessary barriers. Far too often Americans have to jump through unnecessary hurdles to try to make their voices heard.

Ever since the 2020 election, the American people have been bombarded with misinformation and disinformation about the integrity of our elections, lied to about the rampant voter fraud, and misled by false claims that the 2020 election was stolen. To make matters worse, State legislatures have used every tool in their toolkit at their disposal to enact new barriers to the ballot box. Just this year, 47 State legislatures attempted to pass 469 restrictive bills to make it even harder to vote. Many of these new laws were created to fuel the false narrative that our elections are not secure.

Today, we are here to talk about the potential updates to the National Voter Registration Act, a law passed in 1993 with the goal to increase voter participation. The NVRA is a critical component to our Federal voting legislation, and it provides vital access and protections to voters as well as guardrails for election officials to conduct voter maintenance. I believe that proper voter list maintenance is an integral part of an election administration, but too often we have seen anti democratic purges of eligible voters conducted in the name of valid list maintenance.

An extremist will stop at nothing to try to convince the American people that non-citizens and dead people are voting. For example, in my home State of Alabama, our Secretary of State proudly proclaimed one day, day one of his administration, that he was removing Alabama from the Electronic Voter Registration Information Center, or ERIC, a nonprofit, nonpartisan membership organization of States that has proven to be one of the most effective tools for helping election officials maintain accurate rolls. Unfortunately, our Secretary of State gave into conspiracy theories and withdrew Alabama from that organization with no plans for how he was going to replace that level of voter list maintenance information. To make matters worse, Secretary Allen was sued in the fall of 2024 after he attempted to conduct an illegal voter purge program ahead of the 2024 election, one that threatened to deny thousands of qualified citizens in Alabama their right to vote.

As we discuss any potential updates to the NVRA, we must ensure that they are balanced and that we ensure that we balance protecting access to the variety of voter registration opportunities and ensuring eligible voters are not purged from the rolls with proper voter list maintenance. We all want cleaner voter rolls, and that requires a thoughtful and deliberate approach. In July, this Committee held a hearing reviewing voter list maintenance standards, during which one of the Republican witnesses stated that, quote: "It has never been easier in the United States to register to vote as it is today."

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No one benefits when eligible voters are unlawfully purged from the rolls. Every effort should be made to ensure before anyone is deprived of their right to vote that all laws are followed and that the person being removed is a person who should be removed. I look forward to the hearing today, and I do look forward to talking about some updates that we can have, like automatic voter registration and same day registration in States like Alabama which will not have it unless we actually mandate it nationally.

Chair LEE. Without objection, all other Members' opening statements will be made part of the hearing record if they are submitted to the Committee clerk by 5 p.m. today.

Today we have one witness panel. I will now introduce our witnesses.

First, we have Mark Braden, of counsel at Baker and Hostetler LLP. Then we have Professor Michael Morley, a professor of law and the faculty director of the Election Law Center at Florida State University College of Law. Finally, we have Sophia Lin Lakin, the director of the ACLU's Voting Rights Projects.

Each witness will have 5 minutes to provide an opening statement.

I now recognize Mr. Braden for the purpose of giving an opening statement.

STATEMENTS OF MR. MARK BRADEN, OF COUNSEL, BAKER HOSTETLER; MR. MICHAEL MORLEY, FACULTY DIRECTOR OF THE ELECTION LAW CENTER, SHEILA M. MCDEVITT PROFESSOR OF LAW; AND SOPHIA LIN LAKIN, DIRECTOR, VOTING RIGHTS PROJECT, AMERICAN CIVIL LIBERTIES UNION

STATEMENT OF MARK BRADEN

Mr. BRADEN. I am looking at this room and I see a couple of people that I used to work for, Bill Thomas and our rocket scientist Vern Ehlers.

I have spent 50 years working on election-related law questions, and it is certainly a pleasure to be invited to testify for this Committee on an interest in an area where I have basically spent my whole professional life on.

I used to be counsel to the Ohio Elections Commission, the Secretary of State. I used to work for the RNC. Then I was in private practice for a long time as outside counsel to this Committee on election law matters and contests.

This Committee has always been composed of very serious individuals. Some of the most prominent individuals in the history of the Congress have served on this Committee. Many former Speakers of the House. In fact, most recently, there was a Republican Speaker who used to be a staff director of this Committee, Kevin McCarthy.

This is a very distinguished Committee, and I am very happy to have the opportunity to be here.

There was a time when election laws were viewed as an area of cooperation between the two political parties. If you look back at history, the most important election changes in my lifetime was the 1964 Voting Rights Act, which was supported by a majority of Republicans and a majority of Democrats. It had Democrat and Republican sponsors.

All the revisions to that Act received substantial bipartisan support. HAVA to a large degree had bipartisan support. We have even had campaign financing regulation, H.R. 5010, that came out of this Committee, that was a bipartisan bill.

Unfortunately, the Motor Voter bill was not. It ended up being passed on a partisan line.

What I would suggest to you is the value of cooperation between the two political parties, because as a starting point that cooperation is vital to the confidence in the process.

Two, as you have mentioned, there are really basically two things we are talking about here, which is increasing the level of voter registration and improving the quality of the registration lists. I have no dispute with the notion that the Motor Voter increased the number of people registered to vote. You have more people registering to vote post-Motor Voter.

Of course, there is a balance there. What Motor Voter did was invite into the registration business a whole variety of locations where it was secondary to their principal purpose. By definition, by putting voter registration activities in locations other than county clerks, secretaries of state, and other election officers, you are going to have people who have other things to do. Then, when they get to voter registration, they will have to transmit that to the election authorities.

Those two present problems. I would say that one can look at Motor Voter and be comfortable that it has increased the number of people registered to vote. I am not so sure you can be sure what its impact is on the actual voter turnout.

Now, the quality of voter State lists is a mixed bag. Some States have very high-quality voter lists and some do not. This Committee needs to continue to be concerned about the quality of the voter lists because of the changes in our system.

Our system is much more mail-centric than it used to be. The mail systems all arise from a central core. The spine of that process are voter lists. If you have bad voter lists, then you have bad voting processes. We need to be more concerned about the quality of voter lists than we might have been in the past.

The additional big change has been in the number of people who live in the country who are resident aliens.

Now, I personally have no knowledge of any significant number of nonresident aliens or illegal aliens, resident aliens or illegal aliens voting. I absolutely have knowledge that there are many people concerned about this issue. I have no doubt that it occasionally occurs.

We need to be concerned about the lists. Whether it is simply a question of perception or reality, frankly, makes no difference.

We need to have an election system with two prime directives: one, that the winner wins, the person with the most vote wins; and, two, that rational supporters of the loser believe the winner won.

[The prepared statement of Mr. Braden follows:]

PREPARED STATEMENT OF MARK BRADEN

**STATEMENT OF
MARK BRADEN
OF COUNSEL, BAKER HOSTETLER**

before the

**COMMITTEE ON HOUSE ADMINISTRATION SUBCOMMITTEE ON
ELECTIONS**

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December 10, 2025

I have spent almost 50 years working with the law of the political process. First working for the Ohio Secretary of State running the election division, then I moved to Washington as Counsel to the RNC for 10 years.

When I left the RNC, I joined Baker Hostetler as a partner. The firm had worked since the early 80's as outside counsel to the Republican members of this Committee on contest and election law issues. For more than two decades my partner, Bill Schweitzer, and I worked for the Committee on many election contests and revisions of election laws. It is likely that I have been involved in more recounts and election contests than any other lawyer. I believe contests and recounts provide a unique vantage point for observing election system problems.

When I was working with the Committee, many versions of NVRA like legislation were discussed. The earliest versions had significant bipartisan support. Although the idea of bipartisan election law now may seem impossible today, it was not during some prior Congresses.

The single most important election bill of my lifetime was the 1964 Voting Rights Act. It had Democrat and Republican sponsors with a majority support of each party caucus. The various VRA extensions had bipartisan support as did some campaign finance legislation (HR 5010) and HAVA.

The issues addressed in the NVRA were considered by this Committee in the 101st Congress. HR 2190, a bipartisan compromise bill, passed the House. It addressed the voter registration and list issues. There was no action in the Senate. In the 102nd Congress, a bill (S. 250) virtually identical to the NVRA was passed by Congress but vetoed by President Bush. When Bill Clinton was elected President, he signed HR 2 NVRA in early 1993.

The bill was opposed by all Republican members of the Committee: Bill Thomas, Newt Gingrich, Bob Livingston, Pat Roberts, and John Boehner.

When the NVRA passed thirty-two years ago, there were two principal reasons offered: (1) increasing levels of voter registration (Section 6 & 7), and (2) improving the quality of voter registration lists (section 8).

I have no reason to dispute that increasing the locations and methods for voter registration in many states led to more individuals registering. Methods or means of registration undoubtedly have some impact on voter turnout. But, it is clear there are numerous other factors that impact voter turnout. The expansion of locations for voter registration means many offices would be registering individuals as a secondary activity to their principal purpose. It requires information transfer to actual election offices. The resulting problems were predictable. Direct online registration access will provide better control of list quality versus systems farmed out to various agencies with principally other interests. This adds to the importance of the second reason for the NVRA: improving the quality of voter lists.

The quality of state voter lists remains a mixed bag across our country. Voter lists are certainly better in many jurisdictions than in 1990, but remain concerning, especially in mail exclusive systems. Many observers fail to understand the vital importance of quality lists to trust in our elections. Registration-list problems fan

the fires of election distrust. The county-clerk letter sent to the long dead aunt, or ballots addressed to unknown individuals on a table in an apartment building lobby, is gasoline for election conspiracy bonfires.

Voter fraud can be divided into two broad classifications- retail and wholesale. Retail fraud is a person voting in the name of another or an undocumented individual illegally casting a ballot. Does it happen, yes. Bad, yes. However, this Committee should primarily focus on wholesale voter fraud with its wider impact on the legitimacy of our government.

All wholesale voter fraud involves either corruption of poll workers or the mail. The vast expansion of mail voting with its key starting point being registration lists, should highlight for this Committee, the vital importance of list maintenance. Getting an individual to a polling place to commit an illegal act, is immensely more difficult than mailing thousands of fraudulent applications for ballots. Good voter lists, carefully maintained, can be an important guardrail against mail fraud schemes.

In the thirty plus years since the passage of the NVRA, other changes have occurred which warrant modifications of the law. Vastly more voters are being registered online and voting by mail.

Our campaigning process may be subject to nefarious online interlopers, but our actual voting systems generally are not connected to the internet. Our North Korean friends have no path to hack into in-person voting and polling place tabulations. However, there are potential paths into voter registration records and materials. These records are the spine of any all-mail balloting system.

The NVRA has an exemption or a carve-out for election day registration and no registration states. I suggest a carve-in for states which have exclusive or

principal mail voting systems. In those states, requirements for registration and ballot request forms could be modified with some requirements like those for obtaining a “Real ID”, such as the last 4 of SSN, photos and thumb prints. The technology is available. It seems reasonable for these states to have email addresses available for their registrants.

An additional significant change in our society, since the 1993 passage of the NVRA, is the number of non-citizen residents in the United States. The number is subject to widely varying estimates, but is undoubtedly much larger than in 1990. Not surprisingly this has increased concerns about aliens registering and voting.

Although I know of no evidence that large numbers of aliens are casting votes in our elections, my personal lack of such evidence is not a reason to ignore the very real perception problem. The perception of aliens voting is a problem; whether the perception is correct is secondary to the indisputable need to address this issue. Again, we want a safe system and one understood to be safe.

The Federal government has information on resident aliens which should be shared with state election officials. States should be tasked with using this information to confirm eligibility of individuals on their polling lists. The removal of confirmed non citizens from registration lists should not be subject to any time constraints. List matching is sometimes a difficult task. Mistakes will occur, but this should not deter this vital confidence building activity. State provisional balloting procedures provide safeguards for most problems arising from an eligible voter improperly dropped from the rolls. The new Real ID requirement should also ease the process.

Technological changes in the years since 1993, have made it somewhat easier for election officials to update voter records; but, these changes introduce new data security challenges.

Recently the President issued an executive order attempting to ban mail voting. The order is based on no Presidential authority of which I am aware. States and Congress have the authority to make or change election laws, not the President.

The President's executive order was wrong but the President was right. His concerns about exclusive mail voting are not wrong. Mail voting presents many very serious problems. Very few Western style democracies use the mail for any voting other than traditional absentee voters. In person balloting is the standard method in most nations. Why?

Voting by mail lacks the guarantee of secrecy afforded by in-person polling places. No secret ballot is an invitation for undue influence- vote buying and coercion. However, the simplest problem to understand arises from the fact that some first-class mail is not delivered timely or delivered at all. The actual number is unclear. In an all-mail state like California, there will be millions of ballots mailed to the state's registered voter list. Even with properly maintained and updated lists, it is certain that thousands of ballots will not be timely delivered nor counted.

Nevertheless, I understand the popularity of mail voting with the electorate and local jurisdictions seeking to save money. For these reasons, I do not propose that Committee attempts to end mail voting. However, recognizing the unique importance of lists in mail states, some modifications to the NVRA might mediate some concerns.

The US Postal Service is less dependable in poor urban and rural areas. So mail delivery of ballots should be a concern for both Republicans and Democrats equally.

I would suggest to this Committee, that the traditional lens for examining the partisan impact of election changes, maybe a little clouded with rapidly shifting voter behavior.

Importantly, election legislation passed with support from both parties may help to raise confidence in our balloting system. So, I hope the Committee will seriously consider such a course.

Conclusion

There are two prime directives for any election system: (1) The winners win. The candidate with the most lawful votes takes the office. And, (2) The rational supporters of the losing candidate believe the winner won.

There are many other important considerations in designing an election system or in drafting legislation for elections, but all must be subordinate to these two paramount goals. Based on my personal experience our present system works well on the first directive. The second prime directive appears less secure today. In my fifty years of administrating, recounting and contesting elections, I can remember only two elections where I believe the candidate with the most lawful votes was not certified the victor, and only a handful of races where it was not possible to determine who received the most lawful votes.

This does not mean our system works perfectly. It is designed and run by men and women, not Gods and angels. People make mistakes and some people will steal votes if given the opportunity. Our election laws must provide for a secure voting process and one that is obviously secure to our citizens.

Chair LEE. Mr. Braden, with that you are out of time.

Mr. BRADEN. OK.

Chair LEE. We will go back to further discussion during questions.

I now recognize Professor Morley for the purpose of giving an opening statement.

STATEMENT OF MICHAEL MORLEY

Mr. MORLEY. Thank you very much. It is an honor to testify before this Committee, and I would be happy to assist the Committee's important work however I can.

A sound electoral system is based on three principles.

First, all eligible voters must have a reasonable opportunity to safely cast their ballots and have them counted without facing substantial burdens.

Second, the system must ensure accurate results by minimizing the possibility of mistake, irregularity, illegality, or fraud.

Third, the system should bolster public confidence in the integrity of the election's results.

The NVRA and HAVA have promoted voter registration by requiring States to offer a range of convenient ways to register. They have also enhanced the system's accuracy and boosted public confidence by requiring election officials to ensure the accuracy of their voter rolls.

Over the years, opportunities for further improvement have become apparent. There are three main types of issues this Committee could address.

First, the NVRA allows States to seek only information which is, quote, "necessary to determine a voter's eligibility and administer the election process." The NVRA also specifies registration forms shall require voters to attest under penalty of perjury that they satisfy the State's eligibility requirements, including U.S. citizenship.

Several courts have held that because applicants swear they are citizens, it is presumptively unnecessary and therefore illegal for States to require them to submit additional information concerning their eligibility or citizenship status.

To be sure, the extent to which noncitizen voting occurs has been exaggerated in many public debates. When States have identified potential cases of noncitizens being registered to vote, they invariably involve a fraction of 1 percent of all voter registration from the jurisdiction.

In a Nation with approximately 28 million noncitizen residents, however, it is reasonable for the public to expect steps to be taken to ensure noncitizens are not inadvertently added to the voter registration rolls.

A noncitizen might be registered, particularly through a lawful transaction at a motor vehicle agency or other Government office where voter registration is a potential part of the process, for a variety of reasons, such as scrivener's errors, language barriers, errors in automatic voter registration systems, erroneous assistance, and misunderstandings. HAVA allows a person to register even if they lack both a Social Security number and a driver's license.

Even a few hundred or thousand votes can impact the outcome of the election, as we from Florida know well as a result of Bush v. Gore, to say nothing, of course, of State-level races.

The NVRA's necessity standard seems unnecessarily stringent. The statute should be amended to instead allow States to request information reasonably related to confirming an applicant's eligibility.

Second, relatedly, the NVRA and HAVA do not currently appear to contemplate the possibility that voter registration records will erroneously be added to the database.

The NVRA currently allows records to be removed only when circumstances change. A person must ask for their registration to be canceled, be convicted of a crime or declared incompetent, move, or die.

The NVRA does not expressly provide for the removal of records of people who were ineligible at the outset and should not have been registered in the first place.

This Committee should amend the NVRA to allow election officials to remove ineligible voters, as well as people who have subsequently registered to vote in another State after affording them due process through notice and an opportunity to submit evidence.

Likewise, when States conduct their NVRA-mandated list maintenance programs, they should be required to identify voters who are ineligible on any basis rather than only people who have died or moved as the NVRA currently requires.

Finally, the NVRA and HAVA fail to define some key terms. For example, the NVRA prohibits election officials from implementing a program to, quote, "systematically remove the names of ineligible voters" during the 90-day so-called quiet period before a Federal election.

This Committee could clarify that the term "removal" does not include shifting a voter to the inactive list. A voter who was recently moved to an inactive list may still vote in an impending election so long as they confirm their identity, address citizenship or eligibility, depending on what the concern is, including at the polling place.

The Committee could likewise specify that "systematically" does not include measures that election officials take in response to information suggesting that particular voters might be ineligible.

I see my time is drawing to an end, so I will simply say other terms in the statute, such as "uniform and nondiscriminatory" are also undefined, and courts have defined them in a variety of ways that this Committee could provide definitions for as well.

Thank you very much.

[The prepared statement of Mr. Morley follows:]

PREPARED STATEMENT OF MICHAEL MORLEY**POTENTIAL REFORMS TO THE NATIONAL VOTER REGISTRATION
ACT (“NVRA”) AND HELP AMERICA VOTE ACT (“HAVA”)**

Professor Michael T. Morley
FSU Election Law Center

Personal Background

My name is Michael T. Morley. I am the Sheila M. McDevitt Professor of Law at the Florida State University College of Law and Faculty Director of the FSU Election Law Center established by the Florida Legislature. *See* Fla. Stat. § 1004.421. I research and teach in the fields of Election Law, Federal Courts, Remedies, and Constitutional Law. My work focuses on election emergencies, post-election disputes in federal elections, the constitutional right to vote, the equitable powers of the federal courts, and justiciability. I graduated Princeton University’s Woodrow Wilson School of Public and International Affairs *magna cum laude* in 2000, and Yale Law School in 2003, where I was a Senior Editor on the *Yale Law Journal* and received the Thurman Arnold Prize for best oralist in the school’s moot court competition.

I clerked for Judge Gerald Bard Tjoflat of the U.S. Court of Appeals for the Eleventh Circuit. I have worked at Williams & Connolly LLP and the Critical Motions and Appeals group at Winston & Strawn LLP, both in Washington, D.C. I also served as Special Assistant to the General Counsel of the Army in the Pentagon, where I received the Meritorious Civilian Service Award and Army Staff Lapel Pin. From 2012 through 2014, I was a Climenko Fellow and Lecturer on Law at Harvard Law School. My work has been published in many of the nation’s leading law reviews including the *Virginia Law Review*, *Georgetown Law Journal*, *Northwestern University Law Review*, and *University of Chicago Law Review*. I have been cited by federal and state courts across the nation, including the U.S. Supreme Court. For the past four years, I have served as a member and then vice chair of the Florida Advisory Committee to the U.S. Commission on Civil Rights. It is my pleasure to have the opportunity to testify before this Committee.

Overview

A sound electoral system must be based on three fundamental principles. First, all eligible voters must have a reasonable opportunity to safely cast their ballots and have them counted without substantial burdens. Second, the system must ensure accurate results by minimizing the possibility of mistake, accident, irregularity, illegality, confusion, or fraud. Third, the system should bolster “public confidence in the accuracy and integrity of the election’s results.” Michael T. Morley, *Election Emergencies: Voting in Times of Pandemic*, 80 WASH. & LEE L. REV. 359, 362 (2023). The National Voter Registration Act (“NVRA”), Pub. L. No. 103-31, 107 Stat. 78 (May 20, 1993), and the Help American Vote Act (“HAVA”), Pub. L. No. 107-252, 116 Stat. 1666 (Oct. 29, 2002), were adopted to promote these values. *See, e.g.*, 52 U.S.C. § 20501(b). The NVRA in particular helped promote voter registration by requiring states to offer a range of convenient ways to register. *See* 52 U.S.C. § 20503(a)(1)-(a)(3); *see also* Federal Election Comm’n, *The Impact of the National Voter Registration Act of 1993 on the Administration of Federal Elections* (June 1997). At the same time, these laws sought to enhance the electoral system’s accuracy and boost public confidence by requiring election officials to ensure the accuracy of their voter registration rolls. *See, e.g.*, 52 U.S.C. §§ 20507(a)(3)-(a)(4), 20183(a)(2), (a)(5).

As courts have interpreted and applied these statutes in a variety of circumstances, opportunities for further improvement have become apparent. In this testimony, it is helpful to identify three main types of problems which have arisen under these statutes which this Committee could address.

First, neither statute allows, much less requires, states to implement safeguards to ensure non-citizens do not register to vote. Non-citizens are prohibited from voting in federal elections, *see* 18 U.S.C. § 611, and states generally specify U.S. citizenship as a voter eligibility requirement,

see Joshua A. Douglas, *The Right to Vote Under State Constitutions*, 67 VAND. L. REV. 89, 101 (2014). The registration process might nevertheless be initiated for a non-citizen—particularly during a lawful transaction at a state motor vehicle agency or other designated government office where voter registration is a potential part of the process, see 52 U.S.C. §§ 20504(a)(1), (c)(1), 20506(a)(2), (a)(3)(A), (a)(6)—as the result of scrivener’s errors, misunderstandings, mistakes of law, language barriers, errors in automatic voter registration systems, inadvertent markings on forms, erroneous advice or assistance, indifference, literacy challenges, or even fraud. And HAVA allows a person to register even if they lack both a social security card and a driver’s license, see 52 U.S.C. § 21083(a)(5)(A)(ii) (of course, even driver’s licenses do not necessarily demonstrate U.S. citizenship).

To be sure, the extent to which non-citizen voting has actually occurred has sometimes been exaggerated in public debates. When states have identified potential cases of non-citizens being registered to vote, they invariably involve a fraction of 1% of all voter registrations in the jurisdiction. See *Map Shows States Where Migrants Are Being Purged from Voter Rolls*, NEWSWEEK (Aug. 27, 2024),¹ Nevertheless, in a nation with approximately 28 million non-citizen residents, see Stephanie Kramer & Jeffrey S. Passel, *What the Data Says About Immigrants in the U.S.*, PEW RESEARCH CTR. (Aug. 21, 2025),² it is reasonable for the public to expect steps to be taken to ensure non-citizens are not added to the federal voter registration rolls. Even a few hundred or thousand votes can impact the outcome of a federal election, see *Bush v. Gore*, 531 U.S. 98 (2000) (per curiam), to say nothing of state-level races.

¹ <https://www.newsweek.com/map-states-migrants-purged-voter-rolls-1944995>.

² <https://www.pewresearch.org/short-reads/2025/08/21/key-findings-about-us-immigrants/>

As the Supreme Court has explained, a government’s “power to exclude aliens from participation in its democratic political institutions [is] part of the sovereign’s obligation to preserve the basic conception of a political community.” *Foley v. Commie*, 435 U.S. 291, 295-96 (1978) (internal quotation marks omitted). “The exclusion of aliens from basic governmental processes is not a deficiency in the democratic system but a necessary consequence of the community’s process of political self-definition.” *Cabell v. Chavez-Salido*, 454 U.S. 432, 439 (1982).

The NVRA allows states to seek only information which is “necessary” to determine a voter’s eligibility and administer the election process. 52 U.S.C. § 20508(b)(1). This restriction applies to the federally created mail registration form, *id.* § 20508(a)(2), the voter registration portion of driver’s license applications, *id.* § 20504(c)(2)(A), and state-created registration forms, *id.* §§ 20505(a)(2), 20506(a)(6)(A)(ii). The NVRA also specifies these forms shall require voters to attest under penalty of perjury that they satisfy the state’s eligibility requirements, including U.S. citizenship. *See id.* §§ 20504(c)(2)(C), 20508(b)(2). Many courts have held that, because applicants are stating under oath that they are citizens, it is presumptively unnecessary—and therefore illegal—for states to require them to submit additional information to confirm their citizenship status unless the state can prove a substantial number of non-citizens have registered to vote. *See, e.g., Fish v. Schwab*, 957 F.3d 1105, 1144 (10th Cir. 2020); *Fish v. Kobach*, 840 F.3d 710, 738 (10th Cir. 2016); *Kobach v. U.S. Election Assistance Comm’n*, 772 F.3d 1183, 1197-98 (10th Cir. 2014). This “necessity” standard seems unnecessarily stringent. A state should not have to wait until a substantial problem has developed with its voter registration rolls to take reasonable steps to ensure their accuracy. The NVRA should be amended to instead allow states to request information reasonably related to confirming an applicant’s eligibility, particularly when an

applicant does not provide the last four digits of their Social Security number and their citizenship cannot be confirmed through motor vehicle or other available records.

Second, relatedly, the NVRA and HAVA do not appear to contemplate the erroneous addition of voter registration records to the database. The NVRA allows records to be removed only due to changes in circumstances. The registrant must ask for their registration to be cancelled, be convicted of a crime or declared incompetent, die, or move. 52 U.S.C. § 20507(a)(3)-(a)(4); *see also id.* § 21083(a)(2)(A). The NVRA does not expressly provide for the removal of records of people who were ineligible at the outset and should not have been registered in the first place. *See Arcia v. Sec'y of Fla.*, 772 F.3d 1335, 1345 (11th Cir. 2014); *see also United States v. Florida*, 870 F. Supp. 2d 1346, 1349-50 (N.D. Fla. 2012). This Committee should amend the NVRA to allow election officials to remove ineligible voters (including non-citizens), as well as people who have subsequently registered to vote in another state, after affording them notice and an opportunity to submit evidence. Likewise, when states conduct their NVRA-mandated list maintenance programs, *see* 52 U.S.C. § 20508(a)(4), they should be required to attempt to identify voters who are ineligible on any basis, rather than only people who have died or moved as the NVRA currently requires, *see Bellitto v. Snipes*, 935 F.3d 1192, 1200-01 (11th Cir. 2019); *Am. Civil Rights Union v. Phila. City Comm'rs*, 872 F.3d 175, 182 (3d Cir. 2017).

Finally, the NVRA and HAVA fail to offer specificity with regard to some key terms, giving courts little guidance in construing them. For example, the NVRA prohibits election officials from implementing a “program” to “**systematically** remove the names of ineligible voters” during the 90-day period before a federal election. 52 U.S.C. § 20507(c)(2)(A) (emphasis added). This prohibition includes the systematic removal of apparent non-citizens from the registration database

during that timeframe. *See Mi Familia Vota v. Fontes*, 129 F.4th 691, 715-17 (9th Cir. 2024), *reh'g en banc denied*, 152 F.4th 1153 (9th Cir. 2025); *Arcia*, 772 F.3d at 1345.

There are several things this Committee could do to clarify congressional intent concerning the meaning of these terms. For example, it could clarify that the term “removal” does not include shifting a voter to the “inactive” list. A voter recently moved to the inactive list may still vote in an impending election so long as they confirm their identity, address, citizenship, or eligibility, as appropriate, including at the polling place. The Committee could likewise specify that the term “systematically” does not include measures election officials take in response to information suggesting that particular voters in the database may be ineligible. It should further specify that, when a jurisdiction violates § 20507(c)(2)(A)’s “quiet period,” a court may grant prospective relief but may not require the State to restore an ineligible person to the voter registration database, thus allowing them to vote.

The NVRA and HAVA, in several places, also require States to treat voters in a “uniform and nondiscriminatory manner.” 52 U.S.C. §§ 20507(b)(1), 21083(a)(1)(A), (b)(1). Again, neither statute defines these key terms. Some courts have given them a sweeping interpretation, barring states from applying certain requirements only to particular voters even when there was otherwise no need—and sometimes even no way—for the state to apply them to everyone. *See, e.g., Mi Familia Vota*, 129 F. 4th at 715; *Va. Coal. for Immigrant Rights v. Beals*, No. 1:24-cv-1778 (PTG/WBP), 2025 U.S. Dist. LEXIS 157029, at *42 (E.D. Va. Aug. 12, 2025); *Tenn. Conf. of the NAACP v. Lee*, 730 F. Supp. 3d 705, 723, 740 (M.D. Tenn. 2024), *rev'd on other grounds*, 139 F.4th 557 (6th Cir. 2025); *Ga. Coal. for the Peoples' Agenda, Inc. v. Raffensperger*, No. 1:18-cv-4727-ELR, 2022 U.S. Dist. LEXIS 252479, at *53 (N.D. Ga. Sept. 29, 2022); *Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 706 (N.D. Ohio 2006). This Committee should define the terms

“uniform” and “nondiscriminatory,” clarifying that election officials do not violate those requirements by acting in response to information that particular voters may be ineligible to vote or have outdated/inaccurate records.

The NVRA and HAVA are critical parts of the legal infrastructure underlying our electoral system. By updating these statutes, this Committee can ensure the voting process remains accessible to all eligible voters, while safeguards ensure the accuracy of results and preserve public confidence in the system.

Chair LEE. Thank you, Professor Morley.
I now recognize Ms. Lakin for the purpose of giving an opening statement.

STATEMENT OF SOPHIA LIN LAKIN

Ms. LAKIN. Chairwoman Lee, Ranking Member Sewell, and Members of the Subcommittee, thank you for the opportunity to testify today. I am Sophia Lakin, director of the ACLU's Voting Rights Project.

The National Voter Registration Act is a landmark piece of bipartisan legislation. Since Congress enacted it over 30 years ago it has transformed voter registration in this country for the better.

The NVRA makes registration easier for eligible Americans by requiring registration opportunities via the DMVs, public assistance agencies, and by mail.

It has been an extraordinary success. Today more than 50 million Americans register or update their registration through NVRA-established processes every year.

As the NVRA expanded access, it also promoted more accurate voter rolls. In doing so, it struck a careful balance in creating processes for list maintenance while establishing critical safeguards to ensure that eligible voters are not wrongly removed.

We all want secure, free, and fair elections. That means both maintaining accurate rolls and ensuring eligible voters can cast ballots that count.

One of these central safeguards is requiring States to complete systematic list maintenance programs no later than 90 days before Federal elections. This prevents last-minute purges that leave voters little time to discover they have been removed and get back on the rolls in time to cast a ballot that will count.

States have ample tools to keep their rolls accurate, and they are using them. Elections officials removed more than 21 million voters from the rolls in the last 2 years through routine, lawful maintenance. At the same time, almost 1 million voters have received NVRA confirmation notices asking if they have moved, responded that they hadn't, and were properly registered and kept on the rolls. The system works.

Too often officials launch aggressive, sloppy, or poorly timed purges that sweep in large swaths of eligible voters. These programs often rely on outdated data, dubious methodologies, and inflammatory claims about rampant fraud that does not exist.

For example, in 2024, just 84 days before the election, Alabama's Secretary of State announced a purge targeting alleged noncitizens using a process he admitted would sweep in naturalized citizens. A Federal court stopped it, and it was clear right off the bat that well over half of the targeted voters were eligible citizens. Most of these wrongly targeted were people of color.

In Virginia, that same year, the Governor ordered a purge based on DMV data up to 20 years old, data that failed to reflect voters' subsequent naturalization. A Federal court found that many removed were eligible citizens who were never even informed that they had been purged.

In Texas in 2019, State officials claimed nearly 100,000 registered voters were noncitizens. Within a week that number col-

lapsed. In Harris County alone, more than half the flagged voters were confirmed naturalized citizens, and an audit of the remaining names found no noncitizens at all.

A Federal court found that Texas had, quote, “created a mess” meant to, quote, “intimidate the least powerful among us.”

Despite the NVRA’s success, the same voices who foment disinformation and undermine voter confidence seek to undermine the careful balance the NVRA strikes, whether by erecting new registration barriers or weakening safeguards that protect voters from erroneous removal.

One example is the so-called SAVE Act which would require every eligible American to show up in person with documents like a passport just to register to vote. This and any similar effort could disenfranchise tens of millions of eligible voters, Republicans and Democrats alike.

Instead, I urge Congress to return to its bipartisan tradition of strengthening our voting system by advancing measures that expand access and improve accuracy, like online, same-day, and automatic voter registration, all of which have been proposed in the Freedom to Vote Act, and to provide election officials with the stable Federal funding they need to administer elections effectively.

The integrity of our elections is not threatened by widespread noncitizen voting, a problem that simply does not exist. It is threatened by unnecessary aggressive purges that strike eligible voters from the rolls and by barriers that prevent eligible Americans from registering in the first place.

Congress should reject measures that would weaken the NVRA’s protections and instead strengthen the systems that make our democracy work.

Thank you. I look forward to your questions.

[The prepared statement of Ms. Lakin follows:]

PREPARED STATEMENT OF SOPHIA LIN LAKIN



WRITTEN STATEMENT OF
SOPHIA LIN LAKIN
DIRECTOR, VOTING RIGHTS PROJECT
AMERICAN CIVIL LIBERTIES UNION

For a Hearing on

Examining Potential Updates to the NVRA

Submitted to the Subcommittee on Elections of the
U.S. House Committee on Administration

Hearing on December 10, 2025

Submitted on December 9, 2025

Introduction

Chairwoman Lee, Ranking Member Sewell, and Members of the Subcommittee, thank you for the opportunity to testify before you today.

Established in 1965, the ACLU Voting Rights Project (“VRP” or “the Project”) has worked to protect the gains in political participation won by voters of color since the passage of the 1965 Voting Rights Act. Since its inception, VRP has litigated hundreds of voting rights cases and has vigorously and successfully challenged efforts to suppress voting or to dilute minority voting strength.

The Project’s mission is to build and defend an accessible, inclusive, and equitable democracy free from racial discrimination. It has three guiding principles: (1) all Americans should be eligible to vote; (2) voting should be free and easy; and (3) all people should count equally. The Project has active cases in more than a dozen states, spanning every region of the country. Its recent docket includes more than sixty lawsuits to protect voters during the 2020 and 2024 elections; two U.S. Supreme Court cases challenging the first Trump Administration’s discriminatory census policies;¹ multiple challenges to discriminatory legislative maps, including three recent U.S. Supreme Court cases involving congressional redistricting maps;² challenges to voter purges and documentary proof of citizenship laws; and challenges to other new legislation restricting voting rights in states including Florida, Georgia, New Hampshire, Mississippi, Montana, South Carolina, and Texas.

As Director of VRP, I lead the Project’s strategic litigation efforts to secure voting access and fair representation. I have litigated numerous cases challenging improper purges and barriers to voter registration, including *League of Women Voters Education Fund v. Trump*,³ a current challenge to President Trump’s Executive Order 14,248 which seeks, among other things, to mandate a documentary-proof-of-citizenship requirement on the federal voter registration form that a federal district court has permanently enjoined;⁴ *MOVE Texas v. Whitley*,⁵ a successful challenge to a Texas discriminatory voter purge program; *Common Cause Indiana v. Lawson*, a successful challenge to an unlawful purge program in Indiana;⁶ *Fish v. Schwab*, which successfully challenged a Kansas documentary-proof-of-citizenship requirement that had

¹ *Department of Commerce v. New York*, 588 U.S. 752 (2019) (successfully challenging an attempt to add a citizenship question to the 2020 Census); *Trump v. New York*, 592 U.S. 125 (2020) (challenging the exclusion of undocumented immigrants from the population count used to apportion the House of Representatives).

² *Louisiana v. Callais*, No. 24-109 (U.S. argued Mar. 24, 2025, reargued Oct. 15, 2025) (defending Louisiana’s congressional map, which contains two majority-Black districts as part of compliance with the Voting Rights Act); *Alexander v. South Carolina State Conf. of the NAACP*, 602 U.S. 1 (2024) (unsuccessfully challenging South Carolina’s congressional map as an unconstitutional racially gerrymandered map); and *Allen v. Milligan*, 599 U.S. 1 (2023) (successfully challenging Alabama’s congressional map as unlawfully diluting Black voting power under Section 2 of the Voting Rights Act).

³ No. 1:25-cv-00946-CKK (D.D.C. filed Apr. 1, 2025).

⁴ *League of United Latin Am. Citizens v. Exec. Off. of the President*, No. 1:25-cv-00946-CKK, 2025 WL 3042704 (D.D.C. Oct. 31, 2025).

⁵ No. 5:19-cv-00171 (W.D. Tex. filed Feb. 22, 2019).

⁶ 481 F. Supp. 3d 799 (S.D. Ind. 2020), *aff’d*, *League of Women Voters of Ind. v. Sullivan*, 5 F.4th 714 (7th Cir. 2021).

blocked over 30,000 eligible Kansans from registering to vote,⁷ and *Husted v. A. Philip Randolph Institute*, a challenge to an Ohio list-maintenance program.⁸

Everyone agrees that voter-list maintenance—when done responsibly—is both appropriate and necessary for sound election administration. Proper maintenance, however, involves not only removing ineligible registrants, but also ensuring that eligible voters are not erroneously purged. Inaccurate and selective purge programs can result in “persons who are legitimately registered” being excluded from the rolls, which risks disenfranchisement and “unnecessarily places additional burdens on the registration system because persons who [were] legitimately registered must be processed all over again.”⁹ A voter’s name appears on the rolls “only because a voter took the trouble to put it there.”¹⁰ “[I]n a representative democracy, in which the voice of the people is essential to the legitimacy of our governing institutions,” states should not “undo that work without good reason.”¹¹

The National Voter Registration Act of 1993 (“NVRA”) strikes this balance well. It has expanded registration access for millions of Americans while giving states ample tools to maintain accurate rolls. But too often, states have gone beyond what the NVRA contemplates—engaging in overzealous, sloppy, or poorly-timed purges that sweep in eligible voters. These programs have been abused “to keep certain groups of citizens from voting,”¹² and there is a “long history of such list cleaning mechanisms which have been used to violate the basic rights of citizens.”¹³ Too often, voters arrive at the polls only to discover they have been removed from the rolls and cannot cast a ballot that will count.

My written statement today addresses four topics. First, I explain why the NVRA has succeeded in expanding registration while helping states maintain accurate rolls. Second, I describe how some states have engaged in aggressive purges that rely on flawed data and dubious methodologies, underscoring why the NVRA’s safeguards—particularly the pre-election quiet period—remain critical. Third, I discuss unsuccessful efforts by activist groups to pressure election officials into more aggressive purges based on exaggerated claims and unreliable data. Finally, I discuss policies that would expand voter registration access and improve voter roll accuracy, and explain why a documentary proof-of-citizenship requirement would burden eligible voters while solving no real problem.

I. The Success of the NVRA

Congress passed the NVRA in 1993, more than 30 years ago, with bipartisan support. This landmark piece of legislation has expanded access to the ballot for millions of Americans

⁷ 957 F.3d 1105 (10th Cir. 2020), *cert denied*, 141 S. Ct. 965 (2020).

⁸ 584 U.S. 756 (2018).

⁹ S. Rep. No. 103-6 (1993), at 18.

¹⁰ *Common Cause Ind. v. Lawson*, 937 F.3d 944, 962 (7th Cir. 2019).

¹¹ *Id.*

¹² H.R. Rep. No. 103-9 (1993), at 2.

¹³ S. Rep. No. 103-6 (1993), at 18.

and enhanced voting opportunities for every eligible American citizen, while ensuring states and localities maintain accurate voter rolls. The purposes of the NVRA are:

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State, and local governments to implement this law in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.¹⁴

The NVRA is an amazing success. It allows eligible voters to simultaneously register to vote when they apply for or renew a driver's license or interact with other government agencies, and requires states to offer voters mail-in registration opportunities. According to state reports to the Election Assistance Commission, in recent years, an average of more than 50 million people annually register or update their voter registration through NVRA-established processes.¹⁵

In addition to successfully expanding access to voting, the NVRA requires states to take specific steps to ensure that their voter registration rolls remain accurate and current. It directs states to conduct "a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters."¹⁶ The procedures the NVRA prescribes for list-maintenance programs reflect Congress's intent to carefully balance the goals of increasing voter participation by protecting eligible voters from administrative errors and ensuring voter roll accuracy.

For example, the NVRA requires that election officials take steps to ensure the accuracy of registration rolls by conducting general programs to remove voters who die or become ineligible, as provided by state law, by reasons of criminal conviction or mental incapacity.¹⁷ Additionally, the NVRA requires that state election officials conduct general programs flagging voters who may have become ineligible because of a change of residence, which state election officials can satisfy by conducting regular reviews of voter registration rolls against change-of-address information from the Postal Service and sending confirmation notices.¹⁸ All of this follows safeguards, at the outset, that require voters to provide sufficient information under penalty of perjury for election officials to assess their eligibility, including their citizenship.¹⁹

These NVRA processes only establish a floor for the steps election officials must take to ensure voter-roll accuracy. Election officials may take additional steps to ensure accuracy so long as they follow basic safeguards to protect eligible voters' rights. The NVRA requires, for

¹⁴ 52 U.S.C. § 20501(b).

¹⁵ See U.S. Election Assistance Commission, *Voter Registration Table 2: Total Registration Transactions Processed by Source*, https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf, p. 162–169 (June 2025).

¹⁶ 52 U.S.C. § 20507(a)(4).

¹⁷ 52 U.S.C. § 20507(a).

¹⁸ 52 U.S.C. § 20507(c).

¹⁹ 52 U.S.C. §§ 20504(c), 20506(a).

example, that before a voter can be removed from the rolls because they may have moved, officials must send a confirmation notice asking for their current address.²⁰ If the voter does not respond, they may be removed only after two consecutive federal election cycles in which they do not vote.²¹ Waiting for two cycles before removing voters from the registration rolls as part of this process is necessary because response rates to these confirmation mailers are low, with many voters presumably missing a piece of mail or forgetting to respond.²² Additionally, many voters often must miss or skip elections for reasons unrelated to eligibility, including conflicting schedules, business, illness, or disability.²³ This longer period of time protects most voters from being removed solely for essentially failing to vote, which is a core principle of the NVRA.²⁴

The NVRA also creates a 90-day “quiet period” before federal elections to prevent last-minute removals from the registration rolls. The quiet period is only 90 days in advance of federal elections,²⁵ which means that states typically have 555 days between federal elections to conduct their list-maintenance programs. This is a considerable amount of time, which usually includes an entire uninterrupted calendar year and more than half of the following election year. And the NVRA specifically permits certain removals during this 90-day period: voters can be removed if officials confirm that a voter has died or has become ineligible under state law by reason of criminal conviction or mental incapacity,²⁶ or if a voter affirmatively requests removal.²⁷

Election officials are meeting these requirements while still engaging in significant list-maintenance work. In 2023 and 2024, they sent almost 40 million NVRA confirmation notices to voters asking whether voters had moved.²⁸ This means that 19.5% of registered voters received an NVRA confirmation notice.²⁹ During the same period, officials removed more than 21 million voters as part of their efforts to ensure the accuracy of their registration rolls.³⁰ This confirms both the success of the process and the need for the NVRA’s safeguards: almost 1 million voters who received confirmation notices ultimately confirmed that they had not moved and were properly registered at their address.³¹ The NVRA works well, both by increasing the number of

²⁰ 52 U.S.C. § 20507(d)(1).

²¹ 52 U.S.C. § 20507(b).

²² U.S. Election Assistance Comm’n, *Voter Registration Table 4: Voter List Maintenance—Confirmation Notices* https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf, p. 183 (June 2025).

²³ U.S. Census Bureau, *Table 10. Reasons for Not Voting, by Selected Characteristics: November 2024*, https://www2.census.gov/programs-surveys/cps/tables/p20/587/vote10_2024.xlsx.

²⁴ 52 U.S.C. § 20507 (b)(2).

²⁵ 52 U.S.C. § 20507(c)(2)(A).

²⁶ 52 U.S.C. § 20507(c)(2)(B).

²⁷ *Id.*

²⁸ U.S. Election Assistance Comm’n, *Voter Registration Table 4: Voter List Maintenance—Confirmation Notices*, https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf, p. 180 (June 2025).

²⁹ *Id.*

³⁰ U.S. Election Assistance Comm’n, *Voter Registration Table 5: Voter List Maintenance—Removal Actions* https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf, p. 186 (June 2025).

³¹ U.S. Election Assistance Comm’n, *Voter Registration Table 4: Voter List Maintenance—Confirmation Notices* https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf, p. 180 (June 2025).

eligible citizens who register to vote in federal elections and by helping states keep accurate and current voter registration rolls.

II. Improper Voter Purges

Even though the NVRA gives states many tools to maintain accurate and current voter rolls, states and localities have still engaged in aggressive voter purges—sometimes in violation of the NVRA’s voter protections. Proponents often frame these efforts as ordinary enforcement of existing eligibility requirements and necessary to combat voter fraud, even though, as discussed later, voter fraud is exceedingly rare. Too often, these purges are unnecessary and harmful, creating precisely the risks Congress sought to prevent with the NVRA: that purge programs can be abused “to keep certain groups of citizens from voting”³² and “violate the basic rights of citizens.”³³

Overzealous, sloppy, and poorly timed purges remove eligible voters from the rolls, especially when purges rely on outdated or inaccurate data, flawed methodologies, or dubious proxies—such as stale DMV records that fail to reflect a voter’s subsequent naturalization. These troubling practices often disproportionately sweep in, and ultimately disenfranchise, voters of color. The examples that follow illustrate these harms and show why the NVRA’s safeguards—and in particular the pre-election quiet period—are so critical: they prevent voters from being purged too close to an election to permit corrective action, mitigating the risks that eligible voters arrive at the polls only to discover they have been removed and cannot cast a ballot that will count.

A. Alabama

On August 13, 2024, Alabama Secretary of State Wes Allen announced a voter purge targeting alleged noncitizens by directing county registrars to remove anyone who had *ever* been issued a “noncitizen identification number” by the Department of Homeland Security.³⁴ Secretary Allen acknowledged that this would sweep in naturalized citizens with the right to vote, who would then need to complete an additional verification process in order to vote.³⁵ Even so, he still referred everyone on this overbroad list to the state Attorney General for possible investigation and prosecution.³⁶

³² H.R. Rep. No. 103-9 (1993), at 2.

³³ S. Rep. No. 103-6 (1993), at 18.

³⁴ See Ala. Sec’y of State, *Secretary of State Wes Allen Implements Process to Remove Noncitizens Registered to Vote in Alabama*, <https://www.sos.alabama.gov/newsroom/secretary-state-wes-allen-implements-process-remove-noncitizens-registered-vote-alabama> (last accessed Dec. 6, 2025); Ala. Sec’y of State, Press Release, *Secretary of State Wes Allen Implements Process to Remove Noncitizens Registered to Vote in Alabama* (Aug. 15, 2024), <https://perma.cc/QE266LGD> (as issued).

³⁵ *Ala. Coal. for Immigrant Just. v. Allen*, No. 2:24-cv-01254-AMM, 2024 WL 4510476, at *1 (N.D. Ala. Oct. 16, 2024) (noting that Allen “admitted that his purge list included thousands of United States citizens (in addition to far fewer noncitizens”).

³⁶ See *id.*

Civil rights organizations, individual voters, and the U.S. Department of Justice sued.³⁷ One of the program’s central flaws was its timing: Secretary Allen announced it just 84 days before the election—squarely within the NVRA’s quiet period. A federal court enjoined the program as an NVRA violation, finding that Allen “blew the deadline.”³⁸ The court further found that the list was highly inaccurate since “more than 2,000 of [] 3,251 voters” originally identified were wrongly included, meaning Alabama implemented a program with a known error rate of “well more than 50 percent.”³⁹

Although Alabama’s program contemplated that naturalized citizens could prove their citizenship and restore their rights, this process did not resolve obvious concerns. For one, no other class of voter was subject to this unnecessary burden. For another, the process—notifying voters flagged for removal, allowing voters time to verify their citizenship, and having state officials confirm it—takes considerable time to complete. When systematic removals take place shortly before an election, even such a process may result in eligible voters being kept off the rolls on Election Day. The NVRA’s quiet period is designed precisely to ameliorate these risks.

Finally, evidence adduced in litigation related to Alabama’s purge program sheds light on another unfortunate reality of voter purges: their disproportionate impact on voters of color. As one expert testified, most naturalized citizens living in Alabama—and therefore most of those targeted by Allen’s purge program—are people of color.⁴⁰

B. Virginia

1. 2022 Purge

In October 2022, the Virginia Department of Elections (“ELECT”) conducted a purge of voters, targeting people who had lost the right to vote due to a purported criminal conviction.⁴¹ Under Virginia law, people convicted of felonies automatically lose the right to vote, though they can later apply for rights restoration.⁴² ELECT reported identifying nearly 11,000 voters who

³⁷ *See id.*

³⁸ *Id.* at *1.

³⁹ *See* Mot. Hr’g Tr., *Ala. Coal. for Immigrant Just. v. Allen*, Nos. 2:24-cv-01254-AMM, 2:24-cv-1329-AMM, at 13:9-12 (N.D. Ala. Oct. 16, 2024), available at https://campaignlegal.org/sites/default/files/2025-03/10.16.2024.AMM_Vote_.pdf.

⁴⁰ *See* Expert Report of Daniel A. Smith, *Ala. Coalition for Imm. Justice v. Allen*, No. 2:24-cv-1254-AMM, ECF No. 74-1, ¶ 90 (N.D. Ala. Oct. 11, 2024), available at <https://campaignlegal.org/sites/default/files/2025-03/074-1%20Expert%20Report.pdf>.

⁴¹ *See* Ben Paviour, *Virginia Inspector General Says Voter Removals Were Accidental*, Va. Pub. Media (Dec. 18, 2023), <https://www.vpm.org/news/2023-12-18/virginia-elections-voter-purge-2023-inspector-general-report>.

⁴² Va. Const. art. 2, § 1. The ACLU of Virginia and co-counsel are actively challenging the legality of Virginia’s felony disenfranchisement regime. *See King v. Youngkin*, 122 F.4th 539 (4th Cir. 2024) (affirming in relevant part the denial of Virginia’s motion to dismiss). Virginia appealed the denial of its motion to dismiss to the Supreme Court, and ACLU VRP co-authored the successful brief in opposition to certiorari. *See O’Bannon v. King*, 145 S. Ct. 2815 (2025). Litigation is ongoing.

had previously had their rights restored but were later purportedly convicted of a new felony and removed them from the rolls.⁴³

That number proved wildly inflated. Many voters were flagged for removal not because they had new felony convictions, but because of probation violations—such as missing a court date or probation check-in—which are not felonies and do not therefore trigger disenfranchisement under Virginia law.⁴⁴ ELECT’s system nonetheless treated these violations as new felony convictions and flagged voters for removal.

After first denying any wrongful removals, ELECT acknowledged that it had disenfranchised eligible Virginians, but claimed that its error affected “fewer than 300” voters and all had been restored.⁴⁵ In reality, both claims were wrong. The ACLU of Virginia continued receiving complaints from voters who still could not vote after the alleged reinstatements. Plus, the actual number of canceled registrations was much higher: Virginia later admitted—less than two weeks before Virginia’s November 2023 General Election—that it wrongfully removed an estimated 3,400 voters from the rolls without any lawful basis.⁴⁶ Even the revised figure is almost certainly an undercount, as there is evidence of other erroneous removals of voters based on alleged prior convictions.⁴⁷

2. 2024 Purge

In August 2024, Virginia Governor Glenn Youngkin announced that Virginia would “scrub” its voter rolls, targeting alleged noncitizens who he claimed had “maliciously attempted to register.”⁴⁸ That same day, he issued an executive order directing officials to use driver’s license data to identify and cancel the registrations of suspected noncitizens.⁴⁹ The order required daily updates to the voter rolls, including the removal of people who could not confirm their

⁴³ Va. Dept. of Elections, *Annual List Maintenance Report Sept. 1, 2022 – August 31, 2023*, at 10, <https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/2023-List-Maintenance-Report.pdf>.

⁴⁴ See Va. Code Ann. § 19.2-306.1.

⁴⁵ Laura Vozzella, *Warner, Kaine Urge DOJ to Probe Gov. Youngkin’s ‘Purge’ of Voter Rolls*, Wash. Post (Oct. 10, 2023), <https://www.washingtonpost.com/dc-md-va/2023/10/10/warner-kaine-doj-virginia-voter-rolls/>.

⁴⁶ Ben Paviour, *Virginia Reinstates Nearly 3,400 Voters After Accidental Purge*, DCist (Oct. 27, 2023), <https://dcist.com/story/23/10/27/virginia-accidental-voter-purge-affected-thousands/>.

⁴⁷ The ACLU has identified examples of voters who were removed due to non-existent felony convictions, not just those with probation violations. See, e.g., Ben Paviour, *Virginia State Police prepares election ‘watch team’ for voter removals*, Va. Pub. Media (Nov. 6, 2023), <https://www.vpm.org/news/2023-11-06/virginia-state-police-prepares-election-watch-team-for-voter-removals> (identifying one individual who was erroneously removed from the rolls in September despite never having been charged with a felony, and another individual who was removed from the rolls last year due to a misdemeanor charge which, like a probation violation, is not disqualifying under Virginia law).

⁴⁸ Governor of Va., *Governor Glenn Youngkin Issues Executive Order to Codify Comprehensive Election Security Measures to Protected Legal Voters and Accurate Counts* (Aug. 7, 2024), <https://www.governor.virginia.gov/newsroom/news-releases/2024/august/name-1031585-en.html>.

⁴⁹ Commonwealth of Virginia Office of the Governor, Exec. Order No. 35, *Comprehensive Election Security Protecting Legal Voters and Accurate Counting* (Aug. 7, 2024), available at <https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/co/EO-35-Comprehensive-Election-Security-Ensuring-Legal-Voters-and-Accurate-Counting---vF---8.7.24.pdf>.

citizenship with the state Department of Motor Vehicles.⁵⁰ It directed that any identified alleged noncitizens would receive notice that their registrations were flagged for removal and that they would have 14 days to verify their citizenship.⁵¹

In practice, the purge program removed citizens from the rolls—indeed, “a large portion” of the 1,600 individuals removed under the program were eligible to vote.⁵² The purge program required county officials to use state DMV data to flag a registrant’s foreign birth or another “non-citizen transaction” indicating they were not a citizen.⁵³ However, this data is often very out-of-date, sometimes by as many as twenty years.⁵⁴ It therefore may not reflect that a noncitizen who was born outside the United States or once had a “non-citizen” transaction with the DMV later became naturalized and thus eligible to vote.⁵⁵ Predictably, this meant that eligible voters were removed from the rolls, including voters who had verified their citizenship repeatedly on other government forms, including their voter registrations.⁵⁶ Thus, this program spent state resources using stale data to attempt to duplicate efforts that had already been undertaken to assess voter eligibility, erroneously disenfranchising hundreds of eligible voters.

Governor Youngkin’s purge underscores the dangers caused by last-minute voter purges—and why the NVRA prohibits them. The NVRA bars systematic removals within 90 days of a federal election because purges close to an election present a serious risk of disenfranchising eligible voters before they have a reasonable chance to get back on the rolls.⁵⁷ Governor Youngkin issued his executive order on August 7, 2024, exactly 90 days before the November 2024 election. His order directed election officials to remove voters on a daily, rolling basis, in clear violation of the statute’s 90-day “quiet period.”⁵⁸ Civil rights groups and the U.S. Department of Justice sued to halt the purge program,⁵⁹ and on October 25, 2024, a federal court enjoined the program and ordered the State to restore all registrations canceled under it.⁶⁰ The court found that officials did not truly know whether those removed were noncitizens and that eligible voters had, in fact, been unlawfully purged—without being informed of that fact.⁶¹

⁵⁰ *Id.* at 4.

⁵¹ *Id.*

⁵² See Jahd Khalil, Margaret Barthel, *Federal Judge Issues Order to Pause Virginia Voter Purge*, Va. Pub. Media (Oct. 25, 2024), <https://www.vpm.org/news/2024-10-25/glenn-youngkin-patricia-giles-jason-miyares-susan-beals-lawsuit>.

⁵³ *Id.*

⁵⁴ See Pls.’ Mem. of L. in Supp. of Prelim. Inj., *Va. Coal. for Immigrant Rts. v. Beals*, No. 1:24-cv-01778-PTG-WBP, ECF No. 26-1, at 8 (E.D. Va. Oct. 15, 2024).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ See 52 U.S.C. § 20507(c)(2).

⁵⁸ Commonwealth of Virginia Office of the Governor, Exec. Order No. 35 at 3–4.

⁵⁹ See *Va. Coalition for Imm. Rights v. Beals*, No. 1:24-cv-01778 (E.D. Va. Oct. 7, 2024); *United States v. Virginia*, 1:24-cv-01807 (E.D. Va. Oct. 11, 2024).

⁶⁰ See *Va. Coal. for Immigrant Rts. v. Beals*, No. 1:24-cv-01778-PTG-WBP, 2024 WL 4577983 (E.D. Va. Oct. 25, 2024).

⁶¹ See *Va. Coal. for Immigrant Rts. v. Beals*, No. 24-2071, 2024 WL 4601052, at *1–2 (4th Cir. Oct. 27, 2024).

Virginia appealed, seeking a stay of the preliminary injunction pending appeal. The Fourth Circuit largely denied the request, agreeing with the district court that the State's program violated the NVRA.⁶² However, the State appealed again, and on October 30, the Supreme Court stayed the injunction in an unsigned and unreasoned order.⁶³

C. Texas

In January of 2019, the Attorney General of Texas, Ken Paxton, tweeted alarming news: a "VOTER FRAUD ALERT," claiming that nearly 100,000 registered voters in Texas had supposedly been identified as noncitizens.⁶⁴ Texas Governor Greg Abbott thanked Attorney General Paxton and the Texas Secretary of State for "uncovering and investigating this illegal vote registration."⁶⁵ President Trump jumped in, claiming on social media that 58,000 noncitizens had voted in Texas.⁶⁶

None of this was true. As the Texas Tribune reported, within a week, after lists of alleged registered noncitizens were sent to Texas counties, "the number of registered voters flagged by the state began to plummet" on cursory inspection.⁶⁷ In Harris County, approximately 30,000 voters were flagged as noncitizens, but more than half of them were confirmed naturalized citizens.⁶⁸ After culling these and hundreds of duplicates, Harris County was left with about 12,000 possible registered noncitizens. When officials conducted a random audit, they found no noncitizens, so they declined to take further action.⁶⁹

The ACLU and the ACLU of Texas, along with a coalition of other civil rights organizations, sued to stop the purging of voters based on an inaccurate match process. Just three months after questioning the citizenship of almost 100,000 registered voters, Texas "agreed to end a review of the voter rolls for supposed noncitizens that was flawed from the start."⁷⁰ The State only settled after a federal court found that the Secretary of State "created [a] mess" and that Texas engaged in "ham-handed and threatening correspondence" with flagged voters which,

⁶² *Id.*

⁶³ See *Beals v. Va. Coal. for Immigrant Rts.*, No. 24A407, 2024 WL 4608863 (U.S. Oct. 30, 2024).

⁶⁴ Ken Paxton, Twitter, Jan. 25, 2019, available at <https://x.com/kenpaxton/status/1088898595653386240>.

⁶⁵ Greg Abbott, Twitter, Jan. 25, 2019, available at https://x.com/gregabbott_tx/status/1088918898643271680?lang=en.

⁶⁶ Donald J. Trump, Twitter, Jan. 27, 2019, available at <https://x.com/realDonaldTrump/status/1089513936435716096>.

⁶⁷ Alex Ura, 'Someone Did Not Do Their Due Diligence': How An Attempt To Review Texas' Voter Rolls Turned Into A Debacle, Tex. Trib. (Feb. 1, 2019), <https://www.texastribune.org/2019/02/01/texas-citizenship-voter-roll-review-how-it-turned-boondoggle/>.

⁶⁸ See *id.*

⁶⁹ Niraj Chokshi, *Federal Judge Halts 'Ham-Handed' Texas Voter Purge*, N.Y. Times (Feb. 28, 2019), <https://www.nytimes.com/2019/02/28/us/texas-voter-rolls.html>.

⁷⁰ Alex Ura, *Texas Will End Its Botched Voter Citizenship Review and Rescind Its List of Flagged Voters*, Tex. Trib. (April 26, 2019), <https://www.texastribune.org/2019/04/26/texas-voting-rights-groups-win-settlement-secretary-of-state/>.

the court said, “exemplif[ed] the power of government to strike fear and anxiety and to intimidate the least powerful among us.”⁷¹

D. Florida

In May 2012, just before primary voting, Florida officials launched an aggressive campaign to purge purported noncitizens from the voter rolls. As in other states, those officials created a list using driver’s license information, identifying nearly 182,000 people as potential noncitizens.⁷² After further review, that number shrank to 2,625 voters who officials claimed were ineligible to vote.⁷³ The Secretary of State then sent this list to county election officials, directing them to require each flagged voter to provide proof of citizenship within 30 days and to remove anyone who did not respond.⁷⁴ But even the 2,625 figure quickly collapsed when officials rechecked the list. They found that the number of noncitizens allegedly registered to vote was much lower (207 people), and, in the end, only 85 people were removed from the rolls as suspected noncitizens.⁷⁵

The ACLU of Florida and other civil rights groups sued to stop the purge; one lawsuit brought an NVRA claim, arguing that Florida implemented its program too close to the primary election, during the NVRA quiet period.⁷⁶ The Eleventh Circuit agreed, finding that the program ran afoul of the NVRA.⁷⁷ The court explained:

In the final days before an election ... the calculus changes. Eligible voters removed days or weeks before Election Day will likely not be able to correct the State’s errors in time to vote. This is why the 90 Day Provision strikes a careful balance: It permits systematic removal programs at any time *except* for the 90 days before an election because that is when the risk of disfranchising eligible voters is the greatest.⁷⁸

Even though relatively few voters were ultimately removed from the rolls, thousands of U.S. citizens were wrongfully flagged as ineligible and threatened with removal. Because many

⁷¹ Order Denying Mot. to Dismiss, *Tex. League of United Latin Am. Citizens v. Whitley*, No. 5:19-cv-00074-FB (W.D. Tex. Feb. 27, 2019), ECF No. 61 at 1, 4.

⁷² Gary Fineout, *Nearly 200,000 Florida Voters May Not be Citizens*, NBC Miami (May 11, 2012), <http://www.nbcmiami.com/news/local/Nearly-200000-Florida-Voters-May-Not-Be-Citizens-151212725.html>.

⁷³ *Id.*

⁷⁴ See Rachel Weiner, *Florida’s Voter Purge Explained*, Wash. Post (June 18, 2012), https://www.washingtonpost.com/blogs/the-fix/post/floridas-voter-purge-explained/2012/06/18/gJQAhvcNIV_blog.html?utm_term=.f9e1842173a2.

⁷⁵ See Amy Sherman, *Homeland Security Warned that the SAVE Database is not Foolproof Way to Verify the Voter Rolls*, *LWV says*, PolitiFact: Fla. (Oct. 30, 2013), <http://www.politifact.com/florida/statements/2013/oct/30/league-women-voters-florida/league-women-voters-says-homeland-security-warned-/>.

⁷⁶ See, e.g., *Mi Familia Vota Educ. Fund v. Detzner*, 891 F. Supp. 2d 1326 (M.D. Fla. July 27, 2012); *Arcia v. Detzner*, No. 12-22282-CIV-ZLOCH, 2012 WL 12845178, at *1 (S.D. Fla. Oct. 4, 2012), *rev’d and remanded sub nom.* 772 F.3d 1335 (11th Cir. 2014).

⁷⁷ See *Arcia*, 772 F.3d at 1346.

⁷⁸ *Id.*

of those swept into the State's purge efforts were naturalized citizens, the program disproportionately affected minority voters. An analysis conducted by the Miami Herald found that 87% of those the State identified as noncitizens were people of color and 58% were Hispanic.⁷⁹

E. Iowa

On October 22, 2024, just before the general election, Iowa Secretary of State Paul Pate sent county registrars a list of thousands of voters he claimed were noncitizens.⁸⁰ He directed registrars to distribute the names to precincts so poll workers could challenge ballots cast by anyone on the list.⁸¹ The list was compiled from State driver's license records, which are often years old and out-of-date, particularly as to someone's citizenship status.⁸² For example, one voter who registered in 2022 was flagged as a noncitizen based on information she provided to the Department of Transportation in 2000.⁸³

In total, Secretary Pate's list included 2,176 registered voters.⁸⁴ But his staff later admitted in litigation that at least 88% of those listed were eligible citizens.⁸⁵ Even so, Secretary Pate's directive required poll workers to challenge ballots cast by anyone on the list, even if they presented citizenship documentation or when poll workers knew they were eligible.⁸⁶ After the ACLU and ACLU of Iowa filed suit, Secretary Pate backed down from the mandatory language of his order and advised officials not to challenge ballots of voters that they knew to be citizens.⁸⁷

Although it was a directive to challenge ballots, rather than remove voters' registrations, Iowa's attempted purge demonstrates the need for a quiet period prior to an election. The program came just two weeks before Election Day, when early voting was already underway. Such a program on the eve of an election inevitably risks voter confusion, meritless challenges, and potential disenfranchisement.

⁷⁹ Sophia Lakin, Deputy Dir. Voting Rts. Project at ACLU, Testimony Before the H. Comm. on H. Admin., *Voting in America: The Potential for Voter List Purges to Interfere with Free and Fair Access to the Ballot* (May 6, 2021) at 13, available at [HHRG-117-HA08-Wstate-LakinS-20210506.pdf](https://www.hhr.org/117/HA08-Wstate-LakinS-20210506.pdf), (citing *58 Percent of Voters Targeted in Noncitizen Hunt Are Hispanic. Whites, GOP Least Likely To Face Purge*, Miami Herald (May 13, 2012)).

⁸⁰ See Robin Opsahl, *Iowa Secretary of State Says 87 Noncitizens Voted in Elections*, Iowa Cap. Dispatch (Oct. 22, 2024), <https://iowacapitaldispatch.com/2024/10/22/iowa-secretary-of-state-says-87-noncitizens-voted-in-elections/>.

⁸¹ *Id.*

⁸² *Id.*

⁸³ See *Selcuk v. Pate*, No. 4:24-cv-00390-SHL-HCA, 2024 WL 5054961, at *8 (S.D. Iowa Nov. 3, 2024).

⁸⁴ *Id.* at *1.

⁸⁵ See Supplemental Decl. of Michael Ross, *Selcuk v. Pate*, No. 4:24-cv-00390-SHL-HCA, ECF No. 31-1, at 7 ¶ 36.

⁸⁶ See *Selcuk*, 2024 WL 5054961, at *7–8 (“[L]ocal officials are being directed to lodge a challenge to voter eligibility based on noncitizenship even if the officials have personal knowledge that the voters are United States citizens (or, at least, do not believe there is reasonable suspicion to conclude otherwise).”).

⁸⁷ See *id.* at *8.

III. Unsuccessful Efforts by Outside Groups to Force Aggressive Purges

The purges described above were initiated by state officials. But election officials have also faced pressure from outside groups seeking to force more aggressive list maintenance. These groups have challenged state and local list-maintenance programs, claiming that voter rolls are too “bloated” based on data that is outdated, unreliable, or wholly unverified. As with aggressive state-initiated voter purges, these claims are routinely overstated.

For example, in 2016 the American Civil Rights Union (ACRU) sued Broward County, Florida’s Supervisor of Elections, alleging she violated the NVRA by keeping “an implausible number of registered voters compared to eligible citizens,”⁸⁸ on voter rolls and claiming she should have used alternative data sources to more accurately count registered voters.⁸⁹ Civil rights groups intervened in support of the County Supervisor, arguing that ACRU’s claims risked prompting the removal of eligible voters from the rolls.⁹⁰

After the district court found against the plaintiffs, the Eleventh Circuit affirmed. It noted that the district court had conducted a full bench trial, heard extensive testimony on registration rates and list-maintenance tools, reviewed thousands of pages of evidence, and issued a detailed opinion in which it made “extensive findings of fact and conclusions of law.”⁹¹ As one example of claims the courts rejected, the Eleventh Circuit affirmed the district court’s conclusion that ACRU’s data purporting to show a suspiciously high registration rate in Broward County was misleading because, among other problems, it failed to account for population growth between 2012 and 2014 and may have excluded many properly registered voters, such as “college students, military personnel, and persons who reside only part of the year in South Florida.”⁹²

The Eleventh Circuit emphasized that while aggressive purging “could minimize the number of ineligible voters,” it also risked “remov[ing] eligible voters.”⁹³ It explained that while barring states from removing any registrants would guarantee that no eligible voters were mistakenly purged, it would also produce attendant “risks associated with inaccurate rolls.”⁹⁴ Still, the Eleventh Circuit affirmed the district court’s detailed findings that Broward County struck a reasonable balance under the NVRA with its list-maintenance practices, which included: requiring the Secretary of Elections to conduct systematic list maintenance using change-of-address information from USPS or “returned nonforwardable return-if-undeliverable mail,” *and* specific list maintenance in response to individualized information, including indications from election officials in other states, the Department of Highway Safety and Motor Vehicles, or “other sources” indicating that a voter had moved, as well as information from the Department of Health or Social Security Administration that a voter is deceased.⁹⁵ Finding these and the other

⁸⁸ *Bellitto v. Snipes*, No. 0:16-cv-61474-BB (S.D. Fla. Mar. 30, 2018), ECF No. 244 at 3 (citation omitted).

⁸⁹ *Id.* at 17.

⁹⁰ *Id.* at 3.

⁹¹ *Bellitto v. Snipes*, 935 F.3d 1192, 1197 (11th Cir. 2019).

⁹² *Id.* at 1208.

⁹³ *Bellitto*, 935 F.3d at 1198.

⁹⁴ *Id.*

⁹⁵ *Bellitto*, 935 F.3d at 1206.

practices that made up Broward County’s list maintenance sufficient ensured that overblown and flawed statistical allegations did not allow outside groups to force one twin aim of the statute to defeat the other.⁹⁶

Several additional examples are provided in my testimony before this Subcommittee in 2021.⁹⁷

IV. Strengthening—Not Undermining—Registration Access

Even though the NVRA has been extremely successful in expanding access to voter registration, there are potential improvements that could further strengthen that access, while improving the accuracy of the rolls. Any such changes must continue to carefully balance the twin goals of ensuring accurate voter rolls and increasing registration of eligible voters. Some proposed reforms would advance both goals; others would not.

A. Expanding Access and Improving Accuracy

Congress can take steps to expand registration access while also improving the accuracy of voter rolls. The Freedom to Vote Act (“FTVA”, introduced as H.R. 11 in the 118th Congress, includes several proven, state-tested measures that would do both. These include:

Online voter registration: Almost all states and the District of Columbia now offer online voter registration, but roughly eight states do not provide it to all eligible voters.⁹⁸ The FTVA would require every state to implement online voter registration. Online voter registration improves registration access, particularly for younger voters⁹⁹--and also improves accuracy,¹⁰⁰ since most online systems require applicants to enter consistent identifying information—such as full names and current addresses—allowing potential voters to correct mistakes before their applications are even submitted.

⁹⁶ *Id.* at 1198.

⁹⁷ Lakin Testimony, *supra* note n.79, at 16–18.

⁹⁸ National Conference of State Legislatures, *Online Voter Registration* (Updated January 23, 2025), <https://www.ncsl.org/elections-and-campaigns/online-voter-;> Voting Rights Lab, *Standard Registration Process*, <https://tracker.votingrightslab.org/issues/standard-registration-process?law=57>.

⁹⁹ See Holly Ann Garnett & Peter Miller, *Registration Innovation: The Impact of State Laws on Voter Registration and Turnout* (last visited Dec. 9, 2025), <https://esra.wisc.edu/wp-content/uploads/sites/1556/2020/11/garnett.pdf> (finding that online registration increases registration and turnout); Ruby Belle Booth et al., *New Restrictions on Voter Registration Are Likely to Harm Young Voters*, Tufts Circle (July 15, 2025), <https://circle.tufts.edu/latest-research/new-restrictions-voter-registration-are-likely-harm-young-voters> (noting that, “in 2020, on average counties in states with online registration had a 10-point higher youth voter registration rate than those without the policy”); *Reforms Expand Access to Voter Registration in New York*, Brennan Ctr. for Just. (Aug. 16, 2012), <https://www.brennancenter.org/our-work/analysis-opinion/reforms-expand-access-voter-registration-new-york> (“young and minority voters are disproportionately likely to register online”).

¹⁰⁰ A. Gnaedinger, A. Chapman, E. Czuchna, *The Administrative Advantage: Online Voter Registration* (Apr. 2019), <https://www.commoncause.org/texas/wp-content/uploads/2025/05/OVR-Report-April-2019.pdf>.

Same-day voter registration: The FTVA would require all states to offer same-day voter registration, which 22 states and the District of Columbia have successfully adopted.¹⁰¹ Same-day voter registration lets eligible voters register and cast a ballot when they go to their polling place to vote—and allows voters to more easily correct and update their addresses when they cast a ballot, which helps election officials have accurate information.

Automatic voter registration (“AVR”): The FTVA would require states to offer AVR through their departments of motor vehicles, a reform shown to significantly expand the number of registered voters.¹⁰² More than 23 states and the District of Columbia have adopted AVR.¹⁰³ Under AVR, eligible voters are automatically registered when they provide necessary information to a participating government agency, unless they opt out. While the NVRA already requires states to update the registrations of voters who report address changes to their motor vehicle agency,¹⁰⁴ many states have historically fallen short of full compliance with this provision.¹⁰⁵ States that have implemented some form of AVR, however, have seen significant gains in accuracy because address updates occur as part of the AVR process.¹⁰⁶

The FTVA also includes provisions that would strengthen protections for voters during general list-maintenance programs. While the NVRA already provides important safeguards, the FTVA would add further notice requirements. Specifically, it would require that any voter removed from the rolls receive notice within 48 hours explaining that they have been removed, the reason for the removal, and how they may contest it.

Additionally, one of the most significant steps Congress can take to help election officials expand registration access and protect the integrity of the electoral process is to increase federal funding for elections. Local election officials urgently need stable, meaningful, and consistent federal support.¹⁰⁷

B. Requirements That Would Burden Voters Without Solving Any Real Problem

Not all proposed changes to the NVRA would strike the careful balance the NVRA achieves. One proposal under consideration is the so-called Safeguard American Voter Eligibility Act (“SAVE Act”), which would require voters in all states to provide documentary

¹⁰¹ National Conference of State Legislatures, *Brief Same-Day Voter Registration* (Oct. 24, 2024), <https://www.ncsl.org/elections-and-campaigns/same-day-voter-registration>.

¹⁰² E. McGhee, J. Paluch, M. Romero, Public Policy Institute of California, *Do Registration Reforms Add New Voters or Keep Californians Registered* (March 2024), <https://www.ppic.org/publication/do-registration-reforms-add-new-voters-or-keep-californians-registered/>.

¹⁰³ National Conference of State Legislatures, *Summary Automatic Voter Registration* (July 21, 2025), <https://www.ncsl.org/elections-and-campaigns/automatic-voter-registration>.

¹⁰⁴ 52 U.S.C. § 20504(d).

¹⁰⁵ A. Taylor, S. Albert, Project Vote, *Change of Address and the National Voter Registration Act* (Nov. 2016), <https://www.projectvote.org/wp-content/uploads/Changes-of-Address-and-the-NVRA-November-2016.pdf>.

¹⁰⁶ Secure Elections Project, *How AVR Improves the Accuracy of Registration Lists* (2025), <https://www.secureelectionsproject.org/report/how-avr-improves-the-accuracy-of-registration-lists/>.

¹⁰⁷ See Southern Poverty Law Center, *Diverse Coalition Calls for \$825M in Federal Funding for Elections in FY26* (letter dated July 15, 2025), <https://www.splcenter.org/resources/policies/diverse-coalition-calls-for-825m-in-federal-funding-for-elections-in-fy26/>.

proof-of-citizenship in-person at the time of registration.¹⁰⁸ But the SAVE Act and any similar proposals for adding a documentary proof-of-citizenship requirement would not advance the NVRA's goal of balancing accurate voter rolls with increased registration of eligible voters. Such changes are also unnecessary. Instead, they would impose substantial burdens on eligible voters while addressing no real problem. There is no evidence of pervasive or widespread voting by ineligible individuals, including noncitizens, and federal law already prohibits voting in federal elections by noncitizens.¹⁰⁹ Moreover, all registrants must already affirm their citizenship under penalty of law when registering to vote.

A documentary proof-of-citizenship requirement for federal registration would impose substantial and unnecessary burdens on millions of eligible Americans. Evidence consistently shows that tens of millions of citizens lack citizenship documents, cannot readily access them, or must undertake costly, time-consuming steps to obtain replacements. Congress understood these barriers when it passed the NVRA and expressly rejected a documentary proof-of-citizenship requirement for this reason. As detailed below, the experience of Kansas—one of the few states to adopt a documentary proof-of-citizenship rule—confirms that a documentary proof-of-citizenship requirement blocks eligible citizens from registering. For these reasons, a federal mandate would undermine the accessibility Congress sought to guarantee in the NVRA.

First, a significant share of eligible Americans either lack citizenship documentation altogether or cannot readily access it. Multiple high-quality studies have shown that roughly 2 percent of voting-age citizens lack documentary proof of citizenship, and more than 9 percent of voting age-citizens cannot easily access theirs even if they have one.¹¹⁰ State-level research places that figure even higher, estimating that 11 to 12 percent of eligible voters either lack the required documents or cannot locate them.¹¹¹ These tens of millions of Americans would face real barriers to voting under a documentary-proof requirement.

Passports illustrate the problem. Surveys show that less than half of voting-eligible adults—only 48 percent—have a valid passport.¹¹² Even among registered voters, the figure is just 56 percent, and many of those say theirs expired or does not match their legal name.¹¹³ Passport possession rates also vary widely by state, ranging from over 70% possession rates in New Jersey, California, Massachusetts, and New York, to under 25% in West Virginia and Mississippi.¹¹⁴ Birth certificates—the most common alternative—pose similar challenges. Some citizens never received an official state-issued birth certificate, and many cannot locate it: one

¹⁰⁸ See H.R. 22, 119th Cong. (2025).

¹⁰⁹ See 18 U.S.C. § 611.

¹¹⁰ D. Sunshine Hillygus, *Comment to Notice of Petition for Rulemaking, Election Assistance Commission* (Oct. 20, 2025) at 4, available at <https://www.aclu.org/cases/comments-on-petition-of-america-first-legal-for-rulemaking-before-the-election-assistance-commission?document=Comment-from-D-Sunshine-Hillygus-Professor-of-Political-Science-and-Public-Policy-Duke-University>.

¹¹¹ *Id.*

¹¹² See *id.* at 2–3.

¹¹³ See *id.* at 3.

¹¹⁴ Center for American Progress, *The SAVE Act Would Disenfranchise Millions of Citizens* (Jan. 31, 2025), <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>.

study found that 17 percent of registered voters could not easily find theirs.¹¹⁵ Obtaining a replacement birth certificate often requires navigating confusing systems, paying fees, or traveling long distances, especially for rural or tribal residents.¹¹⁶ This is, in part, because birth certificates must be obtained at the state or local level, and required processes are different in every state.¹¹⁷ Naturalized citizens face even greater hurdles because replacing a certificate of naturalization is costly and slow.¹¹⁸

These data show that documentary proof-of-citizenship is not a routine document most people can readily produce. For many eligible Americans, it is an expensive, time-consuming obstacle to registering at all.

Kansas's experience confirms the problem. Kansas adopted a documentary proof-of-citizenship requirement that took effect in 2013.¹¹⁹ By March 2016, Kansas had rejected 12,717 voter registration applications and suspended another 5,655 because of the requirement.¹²⁰ The requirement also chilled many eligible Kansans from reapplying to register to vote after the State had initially rejected them.¹²¹ In just three years while it was in effect, the requirement, which a federal appeals court described as a "mass denial of a fundamental constitutional right,"¹²² blocked more than 31,000 new registrations—approximately "[e]ight percent of all voter registration applications" in the state.¹²³ The ACLU and ACLU of Kansas challenged the documentary proof-of-citizenship program under the NVRA, and another lawsuit asserted that the program violated the U.S. Constitution.¹²⁴

During the litigation, many disenfranchised citizens came forward with their stories. One was Donna Bucci, who had lived in Kansas for five years. After attempting to register at the DMV in August 2013, she believed she was registered,¹²⁵ but months later she received a notice saying that she could not vote if she did not provide documentary proof of her citizenship.¹²⁶ Ms. Bucci did not have the documents Kansas required, and obtaining a copy of her Maryland birth certificate would cost her \$24, which a federal court found "would be a financial burden for

¹¹⁵ *See id.* at 4.

¹¹⁶ *See id.* at 5.

¹¹⁷ Susan Pearson, *Comment for EAC proposed rule change* (Oct. 21, 2025) at 1, available at <https://www.regulations.gov/comment/EAC-2025-0236-114924>.

¹¹⁸ *See* D. Sunshine Hillygus, *Comment to Notice of Petition for Rulemaking, Election Assistance Commission* (Oct. 20, 2025) at 5.

¹¹⁹ ACLU of Kansas, *Comments in Response to America First Legal's Petition for Rulemaking* (Oct. 20, 2025) at 1, available at <https://www.aclu.org/cases/comments-on-petition-of-america-first-legal-for-rulemaking-before-the-election-assistance-commission?document=Comment-of-American-Civil-Liberties-Union-of-Kansas>.

¹²⁰ *Id.* (citing *Kobach*, 840 F.3d at 752).

¹²¹ *Id.* at 1–2.

¹²² *Fish v. Kobach*, 840 F.3d 710, 755 (10th Cir. 2016).

¹²³ *Fish v. Kobach*, 189 F. Supp. 3d 1107, 1136 (D. Kan. 2016).

¹²⁴ *See Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020).

¹²⁵ ACLU of Kansas, *Comments in Response to America First Legal's Petition for Rulemaking* (Oct. 20, 2025) at 2 (citing *Fish*, 189 F. Supp. 3d at 1121).

¹²⁶ *Id.*

her.”¹²⁷ Kansas cancelled her voter-registration application in 2015, preventing her from voting in subsequent elections.¹²⁸ The experience discouraged her from trying to register again in the future.¹²⁹

Or consider Steven Wayne Fish. He was born on an Air Force Base in Chanute, Kansas that had since been decommissioned.¹³⁰ When he attempted to register at the DMV in 2013, he learned he needed citizenship documents.¹³¹ At the time, Mr. Fish did not know how to obtain a copy of his birth certificate and could not afford one,¹³² and as a result, the State denied Mr. Fish his right to vote in the 2014 election.¹³³

William Stricker III was likewise disenfranchised. He tried to register at a DMV office in 2013 but was told he lacked sufficient documentation to obtain a driver’s license and register to vote.¹³⁴ He returned with his social security card, out-of-state license, and utility bills¹³⁵—enough to prove his identity and obtain a driver’s license, but not enough to satisfy Kansas’s proof-of-citizenship requirement.¹³⁶ Unaware that he had not been registered, Mr. Stricker went to vote in 2014 only to learn that his name was not on the voter rolls.¹³⁷ He was never able to vote while Kansas’s documentary-proof-of-citizenship requirement remained in place.¹³⁸

All the while, noncitizen voting in Kansas was virtually nonexistent. Evidence at trial showed that *at most* “39 noncitizens ha[d] found their way onto ... voter rolls in the last 19 years,”¹³⁹ and the district court found that “‘administrative anomalies’” could explain many—or perhaps even most—of them.”¹⁴⁰ By all accounts, Kansas’s attestation regime, under which voters swear to their citizenship rather than procure citizenship documents, had successfully prevented noncitizen voting. And between July 1, 2015, when the Secretary of State gained

¹²⁷ *Id.* There is a financial burden in obtaining replacement birth certificates no matter which state. See Susan Pearson, *Comment for EAC proposed rule change* (Oct. 21, 2025) at 1 (noting that “it can be expensive and administratively burdensome to obtain a certified copy of one’s birth certificate”).

¹²⁸ ACLU of Kansas, *Comments in Response to America First Legal’s Petition for Rulemaking* (Oct. 20, 2025), at 2 (citing *Fish*, 189 F. Supp. 3d at 1121–22).

¹²⁹ *Id.* (citing *Fish*, 189 F. Supp. 3d at 1122).

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Fish*, 957 F.3d at 1134 (internal quotation marks omitted).

¹⁴⁰ *Id.*; see also ACLU of Kansas, *Comments in Response to America First Legal’s Petition for Rulemaking* (Oct. 20, 2025) at 3 (describing that at the time the Kansas documentary-proof-of-citizenship program was enacted, only 0.002% of Kansas’s noncitizen residents had successfully registered to vote from 1999 to 2013).

independent authority to prosecute election crimes, and June 20, 2017, the office secured just one conviction of a noncitizen for voting.¹⁴¹

In light of these unjustifiable burdens on the right to vote, the Tenth Circuit held in 2020 that Kansas' documentary-proof-of-citizenship program violated both the U.S. Constitution and the NVRA.¹⁴²

Arizona's experience with documentary proof-of-citizenship requirements further shows that many eligible voters are unable to register and vote in federal elections when such documentation is mandated. Arizona became the first state to adopt a documentary-proof requirement for voter registration in 2005,¹⁴³ even though the legislature "did not establish that any noncitizens were registered to vote in Arizona."¹⁴⁴ After the U.S. Supreme Court held that the NVRA preempts Arizona's documentary proof-of-citizenship requirement for federal elections,¹⁴⁵ the State created a bifurcated system that allows individuals who have not provided citizenship documents to vote in federal, but not state or local, elections. As of January 2025, Arizona had more than 48,000 active federal-only voters¹⁴⁶—people whom election officials deemed eligible but who, because they did not provide documentary proof-of-citizenship at registration, could only vote in federal elections. Without the NVRA's protections, these eligible voters would most likely not be able to vote even in federal elections.

These facts show that documentary proof-of-citizenship requirements have an undeniable chilling effect on registration—precisely the reason why Congress rejected such a requirement when it enacted the NVRA. During debate on the bill, Congress considered and declined proposals that would have allowed states to require documentary proof of citizenship. The Senate concluded that the NVRA "provides sufficient safeguards to prevent noncitizens from registering to vote," and the Conference Committee found that documentary proof was "not necessary or consistent with the purposes of this Act."¹⁴⁷ It also recognized that such a requirement would "effectively eliminate, or seriously interfere with, the mail registration program of the Act" and could "adversely affect the administration of the other registration programs."¹⁴⁸ These decisions reflect Congress's laudable motives to facilitate registration of eligible voters and prevent unnecessary barriers to their participation.

Congress was correct when it passed the NVRA, and nothing has since changed to alter that conclusion. Noncitizen voting was—and remains—exceedingly rare, and comprehensive

¹⁴¹ ACLU of Kansas, *Comments in Response to America First Legal's Petition for Rulemaking* (Oct. 20, 2025) at 3.

¹⁴² See *Fish v. Schwab*, 957 F.3d 1105, 1144 (10th Cir. 2020).

¹⁴³ ACLU of Arizona, *Re: Docket number EAC-2025-0236* (Oct. 20, 2025) at 1 & n.1, available at <https://www.aclu.org/cases/comments-on-petition-of-america-first-legal-for-rulemaking-before-the-election-assistance-commission?document=Comment-from-American-Civil-Liberties-Union-of-Arizona>.

¹⁴⁴ *Id.* at 7 n.17 (citing *Mi Familia Vota v. Fontes*, 129 F.4th 691, 704 (9th Cir. 2025)).

¹⁴⁵ *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013); see also *Mi Familia Vota*, 129 F.4th at 703.

¹⁴⁶ Ariz. Sec'y of State, *Federal Only Registrants as of January 2nd, 2025*, <https://perma.cc/8U2R-VFPG> (last visited July 10, 2025).

¹⁴⁷ See ACLU et al., *Comments in Response to America First Legal's Petition for Rulemaking* (Oct. 20, 2025) at 9–10 (quoting S. Rep. No. 103-6, at 11 (Feb. 25, 1993)).

¹⁴⁸ See *id.* at 10 (quoting H.R. Conf. Rep. No. 103-66, at 12-23).

studies and nationwide surveys have consistently confirmed as much.¹⁴⁹ This consensus is shared across the political spectrum. As the libertarian Cato Institute concluded, claims about largescale noncitizen voting fraud are “bogus.”¹⁵⁰ Simply put, “[n]oncitizens don’t illegally vote in detectable numbers.”¹⁵¹ For example, a Brennan Center study found that election officials, who oversaw the tabulation of 23.5 million votes, referred only an estimated 30 incidents of suspected noncitizen voting for further investigation or prosecution—meaning that *suspected* noncitizen votes accounted for just 0.0001 percent of the votes cast in those elections.¹⁵²

In sum, empirical evidence and real-world experience demonstrate that requiring voters to procure citizenship documents in order to register to vote would impose widespread, unnecessary barriers on them while providing negligible benefits.

Conclusion

There is no dispute that states and localities must keep their voter rolls accurate and up to date. But the integrity of our elections is not threatened by the phantom menace of widespread noncitizen voting—it is threatened by aggressive purge practices that wrongfully strike legitimate voters from the rolls and by unnecessary barriers to registration that prevent eligible Americans from getting on those rolls in the first place. Too often, these errors fall hardest on voters of color, voters with disabilities, and other communities that have long faced barriers to the ballot. The NVRA struck the right balance more than thirty years ago: expanding access to registration while giving states ample tools to maintain accurate rolls. That balance should not be undone by proposals—like documentary proof-of-citizenship mandates—that are premised on

¹⁴⁹ See, e.g., Lori Minnite, Ph.D., *The Politics of Voter Fraud* (2007), <https://perma.cc/HV86-PS44> (analyzing the first three years of a Justice Department initiative to uncover voter fraud ending in 2005, and finding only 14 convictions of noncitizens for voting); Justin Levitt, *The Truth About Voter Fraud*, Brennan Center for Justice (2007), <https://perma.cc/4DDC-54CC> (nationwide survey of a decade of news accounts and other complaints of noncitizen voting showed that allegations of noncitizen voting that prove unfounded are far more common than allegations that turn out to be true. Some of the exaggerated or baseless allegations highlighted in that study include: A 2005 investigation into 1,668 Washington residents with “foreign-sounding names” which turned up no noncitizens, and finding that even if one accepts all of the allegations of noncitizen voting as true, noncitizen voters would have accounted for between .0002 percent and .017 percent of the votes in the relevant jurisdiction); Michael Wines, *All This Talk of Voter Fraud? Across U.S., Officials Found Next to None*, N.Y. Times (Dec. 18, 2016), <https://www.nytimes.com/2016/12/18/us/voter-fraud.html> (surveying election and law enforcement officials in 49 states and the District of Columbia and identifying two possible instances of noncitizens voting out of 137.7 million voters nationwide); Phillip Bump, *There have been just four documented cases of voter fraud in the 2016 election*, Wash. Post (Dec. 1, 2016), <https://perma.cc/6H7W-YP9M> (compiling reports from the news-aggregation system Nexis to identify demonstrated cases of voter fraud and finding four demonstrated cases of any type of voter fraud, and no instances of noncitizens voting).

¹⁵⁰ Walter Olson, *The Right’s Bogus Claims About Noncitizen Voting Fraud*, Cato Inst. (Apr. 11, 2024), <https://www.cato.org/commentary/rights-bogus-claims-about-noncitizen-voting-fraud>.

¹⁵¹ Alex Nowrasteh, *Noncitizens Don’t Illegally Vote in Detectable Numbers*, Cato Inst. (Nov. 25, 2020), <https://www.cato.org/blog/noncitizens-dont-illegally-vote-detectable-numbers>.

¹⁵² Michael Waldman, President & CEO, Brennan Ctr. for Just., *Testimony Before the H. Comm. on H. Admin., American Confidence in Elections: Preventing Noncitizen Voting and Other Foreign Interference* (May 16, 2024), available at <https://www.brennancenter.org/our-work/research-reports/testimony-american-confidence-elections-preventing-noncitizen-voting-and>.

exaggerated claims and would impose real burdens on millions of eligible Americans while solving no genuine problems.

The United States continues to trail other developed democracies in voter participation—even as compared to recent election cycles when the country saw historic turnout.¹⁵³ As Chief Justice John Roberts wrote, “[t]here is no right more basic in our democracy than the right to participate in electing our political leaders.”¹⁵⁴ Our system is more representative, responsive, and accountable when more Americans have a voice, not fewer. Congress should reject measures that would weaken the NVRA’s protections—whether by erecting new barriers to registration or by stripping away safeguards that protect voters from wrongful purges. Instead, Congress should focus on proven reforms that expand access and improve accuracy and provide election officials with the stable, meaningful federal funding they need to administer elections effectively. That is how we build a democracy that endures.

I thank you again for the opportunity to testify before you and look forward to answering any questions that you have.

¹⁵³ See Tova Wang, *What Other Countries Can Teach Us About Turnout*, Inst. for Responsive Gov’t (Mar. 15, 2024), <https://responsivegov.org/research/what-other-countries-can-teach-us-about-turnout/>; States United Democracy Ctr., *Voter Turnout in American Elections Since 2000* (Sep. 25, 2025), <https://statesunited.org/resources/voter-turnout-since-2000/>.

¹⁵⁴ *McCutcheon v. FEC*, 572 U.S. 185, 191 (2014); see also *Reynolds v. Sims*, 377 U.S. 533, 555 (1964) (“The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.”).

Chair LEE. Thank you, Ms. Lakin.

I will begin our questions today, followed by the Ranking Member. I now recognize myself for the purpose of questioning our witnesses.

Professor Morley, I would like to begin by going back to you. You touched on something there at the end of your testimony that related to other terms in the NVRA that you have observed to be interpreted differently or inconsistently by the courts. Would you elaborate, please?

Mr. MORLEY. Yes. Thank you very much, Chairwoman.

The NVRA and HAVA in various places require uniform and nondiscriminatory treatment of voters but have left those two key terms, "uniform and nondiscriminatory," undefined.

There have been cases in which election officials have received information about particular voters suggesting either they were ineligible or there was some other concern with regard to a particular group of voters and subjected them to additional information requests, attempting to confirm their eligibility, and this was held to violate the "uniform and nondiscriminatory" requirements in HAVA and the NVRA because certain voters were being asked for information, or certain voters were being subjected to additional procedures to confirm their eligibility, rather than all voters, and so they were enjoined.

In part, I suggest that the term "uniform" specify that similarly situated voters need to be treated similarly, but nothing in the statute is meant to preclude election officials from confirming the eligibility of a particular voter or particular voters if there is reason to believe that there might be a concern about their status.

Likewise, the term "nondiscriminatory," in order to be given an independent definition, an independent meaning, not just being redundant, should be defined in terms of the Constitution's prohibitions on discrimination against various groups of voters, the 15th Amendment, the 19th Amendment, et cetera.

Thank you very much.

Chair LEE. Thank you, Professor Morley.

Mr. Braden, I would like to go back to something you touched on during your testimony as well, and it was the notion that as mail voting, voting by mail, becomes more and more common, that the quality and accuracy of lists is all the more important.

Would you please elaborate on the points you were making during that part of your testimony and why in today's date that the accuracy of those lists is so important?

Mr. BRADEN. Well, mail voting is pieces of mail go out to lists. If the list is not any good, the people being asked to vote or trying to vote by mail will be bad. It is not more complicated than that.

Mail voting is definitely a more dangerous process for the security of the ballot process than in-person voting, there is just no question about that, because you do not have the secrecy of the ballot, you do not have a polling place where you can be sure there is not undue influence or there is not coercion. By voting from mail we get rid of those safeguards.

Then we are dependent upon the U.S. mail. The State of California sends out million of ballots. What percentage of first-class mail does not get delivered or does not get delivered timely?

I have had a difficult time figuring out what that number is. I have seen everything from half a percent to 4 percent.

What does that mean? That means tens of thousands of ballots in California sent—hopefully to registered voters who are qualified to vote—will not make an appearance and will not get counted. That is a big problem.

There is a reason why almost all the other Western-style democracies do not use mail voting. They only use mail voting for absentee. A mail voting system has problems.

Now, the President of the United States issued an executive order attempting to ban mail voting. It did not appear to me why he had authority to do that. I do not believe I can figure out where that authority is.

I do think that authority resides here with the Congress and/or with the State. I am realistic. I do not think you can politically make that happen, as much as I would like.

Chair LEE. Thank you, Mr. Braden.

Professor Morley, back to you. If you would tell us—you touched on the concept of the blackout period and ways in which you believe the blackout period could be improved. Would you specify what you think we could do as Congress to improve the clarity or process or timing of the blackout period?

Mr. MORLEY. Thank you very much.

One of the issues which I had already raised is clarifying what does removal mean, right? Congress' original goal was to prevent a voter from being removed from the list at the very last minute. They had no notice, they no opportunity to prove their eligibility to vote.

One potential issue is, is the current blackout period too long? Currently, because it is based on each Federal election, primary elections is treated separate from the general elections. In every even-numbered year, 180 days of that year is a blackout period. It is literally illegal for election officials for half of the year, every Federal election year, to engage in a program to confirm that their rolls are—

Chair LEE. Thank you, Professor Morley. I asked you a question at the end of my 5 minutes. We are out of time.

At this point, I now recognize Ranking Member Sewell for 5 minutes for the purpose of questioning our witnesses.

Ms. SEWELL. Ms. Lakin, I know that Section 8 of the NVRA basically gives States a certain number of days to finalize their voter list maintenance before the primaries and before a general election. I think it is 90 days.

You mentioned in your testimony that far too often that States take advantage of this voter protection by conducting aggressive voter purges to remove certain groups of citizens from voting.

Can you talk to us about the ways in which the NVRA's protections have been used to stop improper voter purges?

Ms. LAKIN. Yes, absolutely.

We have, unfortunately, seen overzealous list maintenance efforts often framed as simple enforcement of existing voter—of requirements. In practice they rely on outdated data, fraud methodologies, and bad proxies for eligibility.

For example, States often use Government databases indicating that someone is not a citizen, but that data can be decades old, and critically can fail to reflect someone's naturalization.

We have seen this time and time again. Unfortunately, we have needed to have concrete protections for this. For example, the 90-day quiet period that you were mentioning ensures that this type of database systemic list maintenance is not occurring so close to the election such that voters are not able to get notice of a problem, that they have been removed, and then subsequently fix the problem and therefore be able to vote.

Ms. SEWELL. You know, you have mentioned my State—I did in my opening remarks as well—the fact that my Secretary of State conducted a voter purge of lists. It turns out that half of the voters that were on there were actually eligible voters.

Can you talk to us a little bit about how the National Voter Registration Act has protections against that kind of illegal purging?

Ms. LAKIN. Well, exactly it is the case. You gave the example of Alabama. I mentioned a similar situation in Virginia, a similar situation in many other States in my written testimony.

Because of this quiet period that is in place, individuals, organizations, civil rights organizations, the United States Department of Justice at the time actually went into court to sue and say, actually, you cannot engage in this kind of systematic list maintenance during this period of time and it needs to be halted.

That was good for voters because, as I mentioned, these particular flawed, aggressive purges inevitably flagged eligible voters, sometimes a very substantial number.

Ms. SEWELL. Like in Alabama.

Ms. LAKIN. Absolutely.

Ms. SEWELL. Now, this hearing is about how we can update the National Voter Registration Act. Can you suggest—I think that access to the ballot box is critically important. Frankly, all examples you gave also suggest that what we really should be focusing on is to make sure that people have access to the ballot box and not barriers and voter suppression.

Can you talk a little bit about what kinds of updates you would do if you were sitting where we are sitting.

Ms. LAKIN. Absolutely. I completely agree. We should be focused on ensuring that voters are able—eligible voters, every single one is able to cast a ballot that is counted.

Instead of focusing on policies that potentially could disenfranchise millions of voters, we should be focused on making it easier for Americans to vote with measures like same-day registration, online voter registration, automatic voter registration.

I would also add that Congress should be prioritizing providing funding for election officials to be able to administer their elections.

Ms. SEWELL. I could not agree more. We need to definitely give more funding for election procedures and administration.

I think that there are eight States that actually have vote by mail. From what I can tell, Oregon is one of them. They have 84 percent returns of their voting. I know that in this hearing there has been an indictment against vote by mail, but I was wondering if you could add your take on this.

Ms. LAKIN. Yes, absolutely. Mail voting has been a critical form of voting for many, many voters who otherwise it is very, very difficult for them to be able to cast a ballot, including voters with disabilities, voters who live in rural areas, and have been used increasingly by voters of color and the like to be able to exercise their right to vote.

We have not seen problems with this in great numbers and certainly nothing to justify a mass removal of this really critical tool to vote.

Ms. SEWELL. Absolutely.

I just think that at the end of the day there are updates that we can make. Madam Chairwoman, I look forward to working with you on trying to make sure that we have a balance between making sure that we are providing access and at the same time making sure that no one who is ineligible cannot vote.

Before I yield back, I want to ask for unanimous consent to enter into the record a statement from the League of Women Voters, which highlights that the NVRA must maintain its power to protect voters and facilitate voter registration.

Chair LEE. Without objection, so ordered.

[The League of Women Voters statement referred to follows:]



Statement for the Record
Subcommittee on Elections Hearing: "Examining Potential Updates to the NVRA"
December 10, 2025

On behalf of the League of Women Voters of the United States (the League), thank you for the opportunity to provide testimony on the *National Voter Registration Act* (NVRA). The League comes before you not only as an impacted party, but as one of the leading civic organizations that championed, shaped, and helped secure passage of the NVRA more than three decades ago. Our members were on the ground in communities across the country documenting barriers, advocating for reforms, and partnering with legislators to ensure that this landmark legislation reflected the needs of the American electorate. The League has also litigated multiple cases defending the rights of voters and the purpose and intent of the NVRA since its passage.

Because of that history, and because League volunteers continue to work every election cycle implementing the NVRA at DMVs, public assistance agencies, and community-based registration sites, our perspective reflects both the original intent of the law and the practical realities of how the law functions today.

The League is a 105-year-old, nonpartisan nonprofit committed to ensuring that everyone is represented in our democracy. We are a grassroots organization comprised of over one million members and supporters in all 50 states and the District of Columbia, across more than 800 local and state Leagues. The League and its state affiliates have repeatedly turned to litigation to preserve and enforce the provisions of the NVRA, protecting voters from harmful and discriminatory laws.

The NVRA remains a landmark statute that has helped millions of eligible Americans register to vote through streamlined, accessible processes. Its success is a direct result of the collaborative vision that the League and Congress advanced together: that voter registration should be straightforward, fair, and available to every person.

In any efforts to potentially update the NVRA, it is crucial that the law retains its power to protect voters and facilitate voter registration. The NVRA has survived numerous attempts to weaken it. Recent threats to the NVRA have included efforts to modify voter roll maintenance protocols and require documentary proof of citizenship (DPOC) on the national voter registration form. Both efforts would result in a weakened NVRA, which is the last thing that Americans need right now.

The NVRA protects eligible voters from being wrongfully purged from the voter rolls, including preventing last-minute voter roll purges, which regularly deny eligible voters their right to vote. The drafting of the NVRA intentionally struck a balance between voter list maintenance and protecting the freedom to vote for eligible voters. Under the NVRA, states are required to conduct any necessary list maintenance at least 90 days before a federal election. The NVRA also requires states to perform list-cleaning procedures to keep voter registration lists current and accurate, including obtaining data from other sources such as the National Change of Address program, death records, and felony records. While this data can provide useful information, it must always be verified for accuracy. Unfortunately, too many voter purges prioritize speed over accuracy. States often rely on unproven and false assumptions of voter fraud to justify aggressive purge practices, and those practices end up sweeping thousands of eligible and properly registered voters off the rolls.

LWV.ORG

1233 20TH STREET NW, SUITE 500
WASHINGTON, DC 20036

202-429-1965



Hundreds of thousands of voters, despite doing what is required, have still been removed by past voter purges. This committee has the opportunity to protect the intent of NVRA.

A clean voter roll is essential to ensuring election administrators can adjudicate elections properly and allow voters to participate in the voting process. If done properly, voter list maintenance ensures that voter rolls are dependable, accurate, and up to date. Precise and carefully conducted list maintenance can remove duplicate names and identify individuals who have moved, died, or are otherwise ineligible. Far too frequently, however, eligible, registered voters show up to vote and discover their names have been removed from the voter lists, and they can't do anything about it. Additionally, states maintain voter rolls in an inconsistent and unaccountable manner. Officials have a history of striking voters from the rolls through a process that is shrouded in secrecy, prone to error, and vulnerable to manipulation.

In [League of Women Voters of Indiana, Inc. v. Sullivan](#), an Illinois law was struck down that would have allowed the state to remove Indiana registrants from the list of eligible voters without direct communication from the voter and without following the notice and waiting period required by the NVRA. These are critical tenets of the NVRA that must be maintained, as they prevent unfair removal of voters. In the case of [Husted v. A. Phillip Randolph Institute](#), the Supreme Court upheld an Ohio voter purge practice that removes infrequent voters from the registration rolls. The right to vote cannot be treated as a use-it-or-lose-it right. The League strongly disagrees with this ruling and submitted an amicus brief in defense of the hundreds of thousands of eligible voters who were properly registered, and did not lose their eligibility, but were nonetheless purged from the rolls. **All legislation governing list maintenance, removals, and purges must result in transparent, accurate, and legal list maintenance under the NVRA as currently written.**

Another effort to change our election processes that would weaken the NVRA is the recent push to require documentary proof of citizenship (DPOC) to register to vote. DPOC requirements violate the NVRA and have been declared an unlawful mandate in case after case including *Arizona v. Inter Tribal Council of Ariz., Inc.*, *Fish v. Kobach*, *LWV v. Newby*, and *Kobach v. EAC*. Processes to ensure our elections are secure and that only eligible voters are casting ballots are already in place. State election officials have systems to verify an individual voter's eligibility and ensure voter rolls are accurate.

State elections officials have failed to provide evidence that large numbers of non-citizens are illegally registering to vote and casting ballots. Thus, it is completely unnecessary to require citizenship documentation to register to vote. It would result in millions of voters being prevented from voting, and voters in every state are already required to affirm or verify their citizenship status when registering. DPOC legislation has already been implemented by some states and has had a demonstrable negative impact on voters' ability to participate in elections. Efforts to require documentary proof of citizenship at the state level have been struck down in Arizona, Alabama, Kansas, and Georgia.

Recent efforts to add documentary proof of citizenship (DPOC) to the national voter registration form have emerged through several avenues—including portions of a presidential Executive Order that were [permanently blocked by a federal court](#), a petition from America First Legal Foundation to the EAC, the SAVE Act, and similar proposals at the state level. While the motivations behind these efforts vary, imposing a DPOC requirement would significantly hinder the ability of eligible



Americans—Republicans, Democrats, and Independents alike—to register or update their voter registration. Such a change would introduce barriers that run counter to the NVRA’s core purpose of ensuring broad, equitable access to the franchise.

The NVRA must maintain its power to protect voters and facilitate voter registration, and Congress must ensure that every eligible US citizen has the freedom to vote. For questions, please feel free to reach out to our staff via Jessica Jones Capparell, Director of Government Affairs at jjones@lww.org, or Kristen Kern, Federal Policy and Advocacy Manager at kkern@lww.org.

Chair LEE. I now recognize the Representative from Illinois, Mrs. Miller, for 5 minutes.

Mrs. MILLER. Thank you, Chairwoman Lee and Chairman Steil, for convening this hearing on the NVRA, also known as the Motor Vehicle Act.

As a Member of Congress from a State that has a long history of election fraud and irregularities—that would be Illinois—I am deeply concerned about the integrity of our elections, both in my State and nationally.

As we discussed in a previous hearing, States like Illinois systematically refuse to establish standards to maintain clean voter rolls and prevent noncitizens from voting.

As States give driver’s licenses and CDLs to noncitizens and illegal aliens at record rates, I believe that NVRA’s safeguards against these noncitizens being registered to vote are inadequate and need significant reforms.

Congress must act to update the NVRA to account for States that refuse to follow the law, and I appreciate the opportunity to speak with our witnesses about this critical issue.

First, Professor Morley, this past July our full Committee held a hearing on how the NVRA can restrict best practices for clean voter rolls. In today’s hearing, we want to look at which parts of the NVRA should be amended to bring greater confidence to our elections. The case of Ian Roberts makes this all the more pressing.

In your opinion, what should be our highest priority in fixing Motor Voter?

Mr. MORLEY. Thank you very much, Congresswoman.

Specifically with regard to list maintenance, as I mentioned before, one of the main reforms that the Committee could consider making to the NVRA would be expanding the list of criteria that election officials are required to use when conducting the federally mandated list maintenance. As of right now, they are only required to identify voters who have died or, I believe, who have moved.

There are a variety of circumstances under which a person could be ineligible to vote; particularly they have registered somewhere else; they are not a citizen, so should not have been put on the list to begin with.

The NVRA could be amended in order to require election officials during this already mandated list maintenance to identify voters who are ineligible for any reason rather than just two particular reasons, as the statute is currently drafted.

One other thing is to improve the quality of information. This Committee could consider expanding the databases to which election officials are required to interact. This was something more on the HAVA end than on the NVRA end. Currently, HAVA requires election officials to enter into agreements with their State motor vehicle agency in order to exchange data. They also require agreements with the Social Security Administration to exchange data.

There is at least one major source of information, the Federal SAVE database, which has citizenship information. The State of Florida was actually recently in litigation with the Federal Government to try to expand access to that.

This Committee could look at the possibility of either requiring States to enter into agreements to receive information from the SAVE database, or potentially even other databases to the extent that there are other agencies that have information concerning citizenship that could be shared with States.

Alternatively, cross-checking against such databases could be part of the mandatory list maintenance process that States are required to engage in on an ongoing basis.

When election officials are updating their databases, they are not looking to throw eligible voters off the rolls. To the extent this Committee can make better quality information available to them, to the extent this Committee could require the Government to share citizenship-related data with them, that will both help officials remove ineligible voters while protecting vulnerable voters, while protecting people from erroneously being flagged as potentially ineligible.

Mrs. MILLER. Thank you. Those are very helpful suggestions.

Mr. Braden, when first considered, Motor Voter was written to remove barriers and facilitate voter registration. This, unfortunately, led some States to remove verification requirements for the answers that applicants provided.

Just this year, the Maryland State Board of Elections found that an illegal immigrant named Ian Roberts successfully registered to vote and requested absentee ballots in three different elections.

Would verification requirements such as documentary proof of citizenship have prevented Ian Roberts from illegally voting?

Mr. BRADEN. The answer to that is probably yes. It depends on the details. We have a variety of technologies available to us that we are not using which this Committee could statutorily encourage or require.

Mrs. MILLER. Thank you very much, and I yield back.

Chair LEE. Thank you.

I now recognize the Ranking Member of the full Committee, Mr. Morelle, for 5 minutes.

Mr. MORELLE. Thank you, Madam Chair.

Thank the witnesses for being here and for your interest in this important subject. It is an important subject.

I had an opening statement. I apologize for being delayed with other matters. I will just submit that to the record, if I might.

**PREPARED STATEMENT OF HON. JOSEPH MORELLE, RANKING
MEMBER OF THE COMMITTEE ON HOUSE ADMINISTRATION,
A U.S. REPRESENTATIVE FROM NEW YORK**

Subcommittee on Elections

“Examining Potential Updates to the NVRA”

December 10, 2025

2:00pm ET

Opening Statement

Good afternoon.

Thank you, Chairwoman Lee and Ranking Member Sewell, and thank you to the witnesses for being here today.

Today we are discussing the National Voter Registration Act—a law enacted in 1993 to help increase access to voter registration and provide safeguards for the removal of voters from the voter rolls.

At the time it was signed into law, President Clinton said, “The principle behind this legislation is clear: Voting should be about discerning the will of the majority, not about testing the administrative capacity of a citizen.”

This adage remains true today.

But as we talk about this topic, I think it's critical we acknowledge that our elections are secure.

And any changes to our election laws must begin with a basic acknowledgment of that fact.

President Trump and Republicans' continued dangerous, false rhetoric about the security and integrity of our elections erodes our democracy and threatens the voting rights of American citizens.

Rather than change policy positions to win the votes of Americans, you're constantly changing election rules to try to limit the ability of voters to cast a ballot.

This Committee should be spending all our time focusing on how to ensure every eligible American registers to vote and participates in elections.

Any reforms to voting laws such as the NVRA must be done in a way that protects and expands access to voter registration opportunities and prevents eligible voters from being wrongfully targeted for purging or removed from the rolls.

I believe responsible list maintenance is a critical element of election administration.

But time and again we have seen thousands of eligible voters wrongfully targeted or unlawfully removed from the rolls with the pretext of combatting alleged, non-existent widespread fraud.

For years, Republicans have purged hundreds of thousands of voters, including eligible voters, from registration rolls, with voters sometimes not finding out they've been removed until they show up at the polls to vote.

And now, the Trump Administration has taken unprecedented steps to collect scores of voter data from states across the country with no rational explanation or justification.

A deeply concerning move from an Administration that continues to claim, without any evidence, that our elections are rife with fraud and noncitizens voting.

It is already a serious crime for a noncitizen to register to vote, and a crime for someone who is not a citizen to vote. If someone commits a crime, they should be prosecuted.

But an eligible American should not be purged from the rolls and potentially disenfranchised without the full protections of due process.

Americans have a fundamental right to vote.

Let's remember this as a foundational truth.

While eligible voters are punished, people who have actually committed election crimes are pardoned—such as the blanket pardon from President Trump to the violent insurrectionists who stormed the Capitol on January 6th, in an attempt to overturn the results of a lawful, secure Presidential election; or the pardons he recently awarded to his allies involved in the fake electors scheme to overturn his loss in the 2020 election.

Also, I am deeply concerned by the false claims spread by Election Assistance Commissioner Christy McCormick, who, in late-October, made disturbing allegations at an America First Policy Institute panel.

When talking about voter list maintenance, Commissioner McCormick claimed that “we find that a lot of election officials don’t have the will to actually go through and clean up their rolls.”

This is troubling.

Across the country, election officials do their best, despite being under-resourced or, worse, threatened with physical harm or death, to carry out our elections and maintain their voter rolls.

Furthermore, Commissioner McCormick—when answering a question on why Democrats “oppose” measures that would make elections safer—went on to say that Democrats “need another source of votes” and “they need open borders, they need illegal citizens to increase their votes.”

Commissioner McCormick is lying.

She should know better. And perhaps she does.

If this is what she truly believes, it raises serious concerns about her ability to sit atop a bipartisan commission on elections.

Our state and local election officials need more help from us. Not lies and conspiracies theories peddled from the highest positions of our government.

To ensure they have adequate resources to conduct fair, accurate, lawful list maintenance, we should fully fund our elections—and I'll continue to push for that.

Federal elections happen every two years and we keep asking election officials to do more with less.

As I said at our hearing in July, I would welcome the opportunity to discuss the careful, legal process for maintaining accurate voter rolls and supporting the necessary work of local election officials, but we must stop undermining the confidence of the American people with false claims about the integrity of our system.

I look forward to hearing from our witnesses today and I yield back.

Mr. MORELLE. I do want to just start. Fundamentally, this voting rights legislation which we are talking about, when it was signed into law, President Clinton said: "The principle behind the legislation is clear: Voting should be about discerning the will of the majority"—and, presumably, of the people—"not about testing the administrative capacity of a citizen."

It is sort of interesting that the whole notion of this is about making sure we make it as easy as possible for citizens to be able to discharge their rights to be able to vote. It is fundamental to what we do as Americans, fundamental to our democracy.

I want to continue to send the message that American elections are secure. State election officials, local election officials, I have not found one Democrat or Republican who is not so devoted to the work that they do and recognize the serious role that they play in making sure that the democracy functions.

There is no one who wants people voting fraudulently. I will say, the degree to which we look behind every tree and behind everything and make assumptions that fraud occurs I find somewhat astonishing. I mean, I feel like there is a boogeyman everywhere, and the obsession with it, the fascination with it—or, if you are more cynical, the darkness behind it—is really about limiting access that people might have to vote.

I note, for instance, I was recently with a number of Members from Oregon where voting by mail has been the case for decades. There are no widespread accusations that in Oregon elections are not fair. Almost everyone votes by mail. I think that is true in the State of Washington. It is true in the State of Colorado. It is largely true in the State of Arizona. It is all of a sudden they say, oh, we have to be careful, all these people are voting fraudulently.

No one can ever identify anyone who is. Even when it comes to the notion that undocumented folks are voting in massive numbers to corrupt elections, it is extraordinary, because you cannot find any evidence that it happens.

I remember as a kid, say, have you ever seen a pink elephant? Say, well, there is no such thing as pink elephants. I do not know. Have you ever seen one? Somehow that proves that there are pink elephants, the fact that no one has ever seen one. It is kind of the same thing.

We should just remember that the point of this is to make it easy for people to use technology, use the mail.

Frankly, we file taxes by mail, that is one of the most important things we do, and people verify it. There are a hundred things we do by mail where no one has ever suggested we should go—could you imagine if we made every single American file their taxes in person at a registrar somewhere in our local county? No one would even consider it. It would be absurd.

Having said that, mail is safe. Frankly, some of the arguments for doing some of the things that we have talked about sound awfully reminiscent of the 1930's and 1940's and 1950's where people were given simple literacy tests before they could vote. It turned out it was like reciting word for word the United States Constitution or guessing the number of jelly beans in a jar, because it was really certain people we did not want to vote. I would certainly hope that is not what we are doing.

I would always join with my colleagues in efforts to make sure that we make clear that there is no double voting, that we know who is voting, but to the greatest extent possible make sure that every single American uses not only their right, but their God-given inalienable right to be able to cast a vote.

I do have a question. I am sorry I am down to my last minute, but I wanted to get that off my chest.

I appreciate what you said, Mr. Braden, about your belief that there is no Presidential authority to use an executive order. I do not want to misquote you. I think that is what you said, that you thought it was Congress as well.

Mr. BRADEN. That is correct. I do not believe there is.

Mr. MORELLE. Yes. Thank you all for your testimony, for being here.

Ms. Lakin, would you agree with that as well, that it is the States and the Congress have the authority, but not the President?

Ms. LAKIN. Yes, absolutely. The Constitution is clear on that score. Only Congress and the States can set the rules for elections. The President has no role in that.

Mr. MORELLE. Mr. Morley, would you concur, or do you have a different opinion?

Mr. MORLEY. I agree.

Mr. MORELLE. Yes, thank you.

Let me—well, I am running out of time. Five minutes goes by so quickly, does not it, Madam Chair? I will follow up with our witnesses.

Again, very much appreciate you being here and appreciate the hearing and all the good work. Thanks so much.

I yield back.

Chair LEE. Thank you.

I now recognize the Representative from Texas, Ms. Johnson, for 5 minutes.

Ms. JOHNSON. Thank you so much, Madam Chair.

I am so happy that we are having this hearing today. Voting is a fundamental and most important right that we have in this country.

I come from—I hail from the State of Texas and we have had our own fair share of challenges in voting. I can see by the expressions on your face that you all agree that voting and the access to the ballot is particularly difficult in Texas.

I want to acknowledge none of us want voter fraud. I do not think any Republican or Democrat or anyone in this country supports voter fraud. Only those who are eligible to vote should be able to vote.

Just like my colleague was just saying, there is no evidence that there is widespread voter fraud, and that certainly has been the case in Texas.

I want to reframe this notion of election integrity. Election integrity should be about making sure, ensuring that every eligible voter has the right to vote, not focusing on making sure that people who do not have access to vote vote.

It is the reverse of thought. It is the reverse of priority. It is making sure that those in rural Texas can get access to a ballot box; making sure that those that do not have access to transpor-

tation can get to the ballot box; making sure that those who have disabilities or who are just working can get to the ballot box; making sure that young people can get registered to vote; that they are not disenfranchised from that.

Our rules and our system of laws seem to focus more on how can we exclude people from participating in the process more so than how can we encourage people from participating in the process.

I was part of the Texas Legislature, and I broke quorum over an elections bill. We had a big old fight over election integrity. One of the big issues was that Republicans put in this bill a provision to make it a felony, equal to kidnapping, rape, murder, a felony for driving more than three people to the polls. How is that even remotely appropriate?

Now, we ultimately got that bill, that provision struck, because we had to leave the State for 6 weeks and make a big old thing about it.

That should have never been in a voting integrity bill. In fact, we should have had provisions of how can we make it for coworkers to get to the polls? How can we have voting hours? How can we have an online national registration? Because we had a hearing in this very Committee over voter registration purges, roll purges, when people move State to State. There was not any meaningful solution to how to address that.

I think we should have a national voting registration act, where you can register to vote, and that is just good. If you are an American citizen you can register to vote in this country and you should be able to do it online.

If we have the ability to pay our taxes online, if the Government can accept—if it is safe enough to accept our money, it should be safe enough to accept our vote.

I digress. Again, you are right, Mr. Chairman—Mr. Ranking Member—time goes by way too fast.

I guess my question is to you, Ms. Lakin. I mean, you were part of the voter purge case in Texas where our Governor tried to kick hundreds of thousands of people wrongfully off the poll.

What would online voter registration do to enable greater participation? Because one of the things I am most concerned about is we do not have enough percentage of our country that actually votes, because we make it too hard for young people to go. If you cannot do it on your phone, and if you are under 25, you are incompetent to function outside of that.

I mean, what can we do? What is your sense on voter registration online? How could that improve our process?

Ms. LAKIN. Thank you for the question.

Online voter registration would expand the opportunity for voters to both register to vote in the first instance and update their registration. I think that is also critical, just giving people more and more opportunities, more touch points to be able to get registered.

By allowing voters to have that opportunity to also provide their updated information and the like, it has the benefit of, like the NVRA asks for, also improving list—accurate list maintenance, accurate voter rolls, and the like. You get both in this type of reform.

Ms. JOHNSON. Thank you so much.

Unfortunately, I am out of time. Thank you, Madam Chair.

Chair LEE. Thank you.

I would like to thank our witnesses for appearing before us today. Members of the Committee may have additional questions for you, and we ask that you please respond to those questions in writing.

Without objection, each Member will have five legislative days to insert additional material into the record or to revise and extend their remarks.

[The written statement of the Southern Poverty Law Center referred to follows:]



Written Statement of the Southern Poverty Law Center

Submitted to the U.S. Committee on House Administration Subcommittee on Elections

In connection with its hearing entitled "*Examining Potential Updates to the NVRA*"

Hearing December 10, 2025

Organizational Statement Submitted December 17, 2025



On behalf of The Southern Poverty Law Center (SPLC), a civil rights organization committed to advancing racial justice, protecting communities, and strengthening democracy, we thank the Committee for the opportunity to submit this statement for the record. The SPLC is a nonprofit advocacy organization that serves as a catalyst for racial justice in the Deep South and beyond. Since our founding more than 50 years ago, the SPLC has been at the forefront of the fight to protect and expand the civil rights of all people in our nation. We focus especially on Black, Brown, and other impacted communities in the Deep South, especially in Alabama, Louisiana, Florida, Mississippi, and Georgia.

This testimony details the impact the NVRA has had in addressing persistent registration gaps since its enactment 30 years ago, especially in the Deep South where those gaps are often most pronounced; notes the important role the NVRA has played in preventing improper and discriminatory purges of eligible voters; and offers recommendations on how Congress can strengthen the NVRA to promote accurate, complete voter registration lists.

Congress Enacted the NVRA to Close Persistent Registration Gaps

Our democracy is strongest when all eligible people can participate. But getting and staying on the voter registration rolls continues to prevent too many Americans from exercising their fundamental right to vote. Even in the wake of the landmark Voting Rights Act (VRA) of 1965, registration gaps, especially by race and income, persisted.¹ Thirty years ago, in considering this problem, Congress found that:

[D]iscriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office, and disproportionately harm voter participation by various groups, including racial minorities.²

It passed the National Voter Registration Act (NVRA) to address these persistent gaps, and in so doing, took a tremendous step toward making voting more accessible and our nation more democratic. The law requires 44 states and D.C. to offer voter registration through government agencies and to accept mail-in voter registration applications, while also regulating how states engage in voter list maintenance.³ Just like the Voting Rights Act (VRA) before it, the NVRA had an immediate positive effect on registration rates and voting access.

¹ Laura Williamson, Brenda Wright, and Pamala Cataldo, *Toward a More Representative Electorate*, Demos, December 21, 2018, <https://www.demos.org/sites/default/files/2020-07/Towards%20a%20More%20Representative%20Electorate%20Report.pdf>.

² National Voter Registration Act “Findings and Purposes,” 52 USC 20501(a)(3).

³ 52 USC §20501.

**The NVRA Improved Voter Registration in the Deep South and Across the Nation**

Voter registration nationally rose thanks to the NVRA. During the 1995-1996 cycle, the first federal election for which the NVRA was in effect, the Federal Election Commission estimated that 27.5 million new registrants were added to voter registration rolls. This brought the voter registration rate to 73 percent of the voting age population, the highest rate since reliable data became available in 1960.⁴

The NVRA was especially impactful in the Deep South, a region long plagued by exclusionary registration and voting practices and resultant gaps in voting access between racial and ethnic communities. In Alabama, the voter registration rate among active voters increased by three percentage points, from 73.5 percent to 76.9 percent, between 1994—before the NVRA was enacted—and 1996, the first federal election cycle for which the law was in effect. Florida voters also benefited from the NVRA, with the active voter registration rate increasing by more than seven percentage points, from 60.4 percent in 1994 to 67.9 percent in 1996. In Georgia, the increase in the share of active registered voters was even more pronounced, jumping from 58.22 percent in 1994 to 70.3 percent in 1996, a twelve percentage point gain. Louisiana voters also saw gains thanks to the NVRA, with the active voter registration rate increasing ten percentage points from 69.4 percent in 1994 to 79.2 percent in 1996. Finally, the active voter registration rate in Mississippi rose three percentage points—85.3 percent to 88 percent—between 1994 and 1996.⁵

Over the last three decades, the NVRA has remained a critical tool for promoting voting access among eligible voters in the Deep South and across the country. During the 2024 elections, nearly one-third of voters nationally registered at either a motor vehicle department or a public assistance agency, and an additional ten percent registered by mail, all registration methods promoted by the NVRA.⁶

The NVRA Protects Against Improper and Discriminatory Voter Purges

The NVRA prohibits systematic removals of voters from the registration rolls within 90 days before a federal election.⁷ This provision, known as the “quiet period,” helps ensure no eligible voters who have registered to vote are unable to cast a ballot because their state removed them from the registration rolls too close to an election.

⁴ *The Impact of the National Voter Registration Act of 1993 on the Administration of Federal Elections, 1995-1996*, Federal Election Commission, June 1997, <https://www.fec.gov/about/reports-about-fec/agency-operations/impact-national-voter-registration-act-1993-administration-federal-elections-html/>.

⁵ *Id.*

⁶ Voting and Registration in the Election of November 2024, U.S. Census Bureau, April 2025, <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-587.html>.

⁷ 52 USC §20507(c)(2).



This safeguard notwithstanding, in August 2024—within the quiet period before the general election—Alabama Secretary of State Wes Allen moved to initiate a systematic purge of the state’s registration rolls, threatening the lawful registration of thousands of Alabamians, many of them naturalized citizens.⁸ SPLC and others challenged the unlawful purge in court and ultimately prevented the state from removing and potentially disenfranchising these eligible Alabamians.⁹ However, the Alabama example illustrates the risk that, without proper safeguards like those enshrined in the NVRA, eligible voters can be improperly removed from the registration lists and unable to vote. In this case, court proceedings found that more than 2,000 of the 3,251 voters on the list for removal were wrongfully included,¹⁰ and expert analysis found the attempted purge disproportionately targeted non-white naturalized U.S. citizens.¹¹

Congress must double down on the commitment it made when it passed the NVRA to ensuring registration does not serve as a barrier to voting and must resist efforts to weaken the quiet period or any other protections in the law designed to protect the voting rights of eligible Americans.

Strengthening the NVRA Involves Expanding Voter Registration Opportunities

The NVRA has played a significant role in reducing racialized and income-based registration gaps and bringing more eligible Americans into the electorate.¹² Even more can be done, however, to meet Congress’ goals in passing the NVRA and achieve the full promise of the law. Congress can strengthen the NVRA and expand the law’s impact by:

- Requiring states to adopt voter registration modernizations like automatic voter registration, same-day voter registration, and online voter registration, which help

⁸ “Secretary of State Wes Allen Implements Process to Remove Noncitizens Registered to Vote in Alabama,” Alabama Secretary of State, <https://www.sos.alabama.gov/newsroom/secretary-state-wes-allen-implements-process-remove-noncitizens-registered-vote-alabama>.

⁹ “Voting Rights Groups Defend Alabamians Against Illegal Voter Roll Purge,” Southern Poverty Law Center, September 13, 2024, <https://www.splcenter.org/presscenter/voting-rights-groups-defend-alabamians-against-illegal-voter-roll-purge/>.

¹⁰ Mot. Hr’g Tr., Ala. Coal. for Immigrant Just. v. Allen, Nos. 2:24-cv-01254-AMM, 2:24-cv-1329-AMM, at 13:9-12 (N.D. Ala. Oct. 16, 2024), https://campaignlegal.org/sites/default/files/2025-03/10.16.2024.AMM_Vote_.pdf.

¹¹ Expert Report of Daniel A. Smith, Ala. Coalition for Imm. Justice v. Allen, No. 2:24-cv-1254-AMM, ECF No. 74-1, ¶ 90 (N.D. Ala. Oct. 11, 2024), <https://campaignlegal.org/sites/default/files/2025-03/074-1%20Expert%20Report.pdf>.

¹² *Supra* note 1.



ensure registration lists are up to date while reducing the barriers registration poses.¹³

- Expanding the list of agencies required to offer voter registration to additional state and federal agencies that transact with the public, especially those serving low-income communities who face the steepest registration barriers, including public housing agencies; community colleges and other higher education institutions; and medical services offices serving veterans and Native Americans, among others.¹⁴
- Strengthening notice requirements to voters removed from the rolls during routine list maintenance, to ensure any eligible voters improperly removed are made aware of their removal promptly and understand how they can restore their registration.¹⁵
- Providing robust federal funding for election administration every federal appropriations cycle—including a requirement that states pass through a share of funds to local election administrators—so that election officials have the resources they need to ensure registration lists are up to date and eligible voters can access the ballot.¹⁶

As it considers how to strengthen the NVRA, we respectfully urge the Committee and Congress to consider these and other reforms that would reduce barriers and improve access to registration and the ballot, and to resist efforts to weaken this important law.

¹³ These reforms and many others that improve voter registration opportunities and ballot access are contained in H.R. 11, the Freedom To Vote Act, 118th Congress, <https://www.congress.gov/bill/118th-congress/house-bill/11>.

¹⁴ *Supra* note 1 for a fuller list. The NVRA contemplates that federal agencies, in partnership with states, should serve as voter registration agencies. 52 USC §20506. Some federal agencies, such as the Department of Veterans Affairs and Indian Health Services made admirable progress toward meeting this goal of the NVRA in response to the 2021 Executive Order 14019 On Promoting Access to Voting, though the future of those efforts is unclear.

¹⁵ For example, see H.R.11 Freedom to Vote Act, Section 1911 Conditions for Removal of Voters from Official List of Registered Voters, 118th Congress, <https://www.congress.gov/bill/118th-congress/house-bill/11>.

¹⁶ “Diverse Coalition Calls for \$825M in Federal Funding for Elections in FY26,” Southern Poverty Law Center and coalition letter, July 15, 2025, <https://www.splcenter.org/resources/policies/diverse-coalition-calls-for-825m-in-federal-funding-for-elections-in-fy26/>.

Chair LEE. If there is no further business, I thank the Members for their participation.

Without objection, the Committee stands adjourned.

[Whereupon, at 4:33 p.m., the Subcommittee was adjourned.]

