Summary of Proposed Amendments to the NVRA and HAVA

1. At a state's request, the EAC should be required to amend the state-specific instructions for the federal voter registration form to require applicants to provide documentary proof of citizenship. [amend 52 U.S.C. § 20508(b)(1), (c)]

2. The NVRA should allow states to request information to confirm the eligibility of voters who register through a motor vehicle agency. [amend 52 U.S.C. § 20504(c)(2)(B)]

3. HAVA should be amended to permit (or direct) states to require proof of citizenship from people who register without a social security number. [add a new provision to HAVA, 52 U.S.C. § 21083(a)(5)(A)]

4. The NVRA should expressly authorize states to remove from their voter registration databases non-citizens, other ineligible persons, fictitious people, and people who have registered in other states. [amend 52 U.S.C. § 20507(a)(3)]

5. States should be required to remove from their voter registration databases voters who are ineligible for any reason, not just the particular reasons currently listed in the NVRA. [amend 52 U.S.C. § 20508(a)(4)]

6. States should be required to apply "best efforts" to ensure the accuracy of their voter registration databases. [amend 52 U.S.C. §§ 20508(a)(4), 21083(a)(4)(A)]

7. The "quiet period" in which a state is prohibited from systematically updating its voter registration database should be shortened and its scope should be clarified. [amend 52 U.S.C. § 20507(c)(2)(A)]

8. HAVA should require states to cross-check their voter registration databases against a wider range of reliable governmental information sources to confirm voters' identities and eligibility. [add new provisions to the NVRA, 52 U.S.C. § 20507, and HAVA, 52 U.S.C. § 21083(a)(2)(A)(ii), (a)(5)(B)]

9. The NVRA and HAVA should define the terms "uniform" and "nondiscriminatory" in a way which does not bar states from investigating information concerning particular voters. [add new provisions to the NVRA, 52 U.S.C. § 20507(b), and HAVA, 52 U.S.C. § 21083]

10. States should not be required to allow online voter registration in transactions occurring over the Internet through motor vehicle and welfare agency websites without wet-ink signatures. [add new provisions to the NVRA, 52 U.S.C. §§ 20504(a), 20506]

11. Congress should establish an express private right of action for HAVA violations. [add new provision to HAVA, potentially codified at 52 U.S.C. § 21113]

I. REDUCING THE POSSIBILITY OF NON-CITIZEN REGISTRATION

1. At a State's Request, the EAC Should Be Required to Amend the State-Specific Instructions for the Federal Voter Registration Form to Require Applicants to Provide Documentary Proof of Citizenship

***Current law*:**

- "The Election Assistance Commission . . . in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office . . . ." 52 U.S.C. § 20508(a)(1).

- "The mail voter registration form developed under subsection (a)(2) . . . may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), ***as is necessary*** to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process . . . ." 52 U.S.C. § 20508(b)(1) (emphasis added).

***Concern*:** This provision has prevented states from having the EAC change the state-specific instructions accompanying the federal voter registration form to require applicants to provide documentary proof of citizenship. Courts have emphasized that applicants using the federal form may be required to provide only information which is "necessary" to allow states to "assess the[ir] eligibility." States have failed to prove, and the EAC has failed to conclude, that documentary proof of citizenship is "necessary" to confirm applicants' citizenship, even when citizenship is an express requirement for voting. States ostensibly can confirm applicants' citizenship instead by requiring them to check a box and sign the form attesting under oath that they are U.S. citizens.

***Caselaw*:**

- *Kobach v. U.S. Election Assistance Comm'n*, 772 F.3d 1183, 1197-98 (10th Cir. 2014) (affirming EAC's refusal of a request from Kansas and Arizona to add documentary proof of citizenship instructions for their states to the federal voter registration form, on the grounds the states failed to show they were unable to "enforce their voter qualifications because a substantial number of noncitizens have successfully registered using the Federal Form").

- *League of Women Voters of the United States v. Newby*, 838 F.3d 1, 11-12 (D.C. Cir. 2016) (granting preliminary injunction against the EAC's addition of state-specific documentary proof-of-citizenship requirements to the instructions accompanying the federal voter registration form, because the EAC's executive director "never mad the necessity finding required by section 20308(b)(1)"); *see also League of Women Voters of the United States v. Newby*, 560 F. Supp. 3d 177, 188 (D.D.C. 2021) (subsequently granting summary judgment for plaintiffs and vacating the EAC's approval of the states' requests to add proof-of-citizenship instructions).

Cf. LULAC v. Exec. Off. of the President, Nos. 25-0946 (CKK), 25-0952 (CKK), 25-0952 (CKK), 2025 U.S. Dist. LEXIS 215411, at *98 (D.D.C. Oct. 31, 2025); *California v. Trump*, No. 25-cv-10810-DJC, 2025 U.S. Dist. LEXIS 182329, at *33-34 (D. Mass. Sept. 17, 2025) (declining to dismiss challenge to President Trump's Executive Order requiring the EAC to change the federal form to require applicants to provide documentary proof of citizenship); *California v. Trump*, 786 F. Supp. 3d 359, 380 (D. Mass. 2025) (granting motion for preliminary injunction against President Trump's Executive Order requiring the EAC to change the federal form on the grounds it likely violates separation of powers).

***Suggested changes*:**

- **Amend 52 U.S.C. § 20508(b)(1)**—"The mail voter registration form developed under subsection (a)(2) . . . may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is ~~***necessary to enable***~~ *relevant to enabling* the appropriate State election official to assess the eligibility of the applicant ~~and~~ *or* to administer voter registration and other parts of the election process . . . ."

- **Add 52 U.S.C. § 20508(c)**—"*A state may require an applicant using the mail voter registration form developed pursuant to subsection (a)(2) or any other method of registering under this Act to also provide documentary or other evidence to confirm the applicant satisfies any or all of the state's voter eligibility requirements, even if the applicant has attested to satisfying such requirement, for that application to be deemed valid and complete*."

Explanation*:** The Supreme Court has held, "[A] State may request that the EAC alter the Federal Form to include information that ***the State deems necessary to determine voter eligibility . . . ." *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 19 (2013) (emphasis added). Subsequent lower court rulings have undermined the valid of this authority by holding states' requests to an unrealistically stringent—and inaccurately literal, *cf. McCulloch v. Maryland*, 17 U.S. 316 (1819)[1]—standard of "necessity."

A state should be able to require applicants to provide information or documentation relevant to establishing their eligibility to vote. *See, e.g.*, *McKay v. Altobello*, No. 96-3458, 1997 U.S. Dist. LEXIS 7162, at *9 (E.D. La. May 16, 1997). It is unreasonable to require states to simply accept applicants' attestations of citizenship even though such attestations could be the result of scrivener's errors, misunderstanding, mistake of law, language barriers, errors in automatic voter registration systems, inadvertent markings, erroneous advice or assistance, indifference, literacy challenges, or even intentional fraud. Tens of millions of non-citizens reside in the United States. Most of them are eligible to take advantage of many procedures—such as obtaining a driver's license or applying for certain government benefits—which can trigger the voter registration process under the NVRA.

[1] "To employ the means necessary to an end, is generally understood as employing any means calculated to produce the end, and not as being confined to those single means, without which the end would be entirely unattainable." *McCulloch*, 17 U.S. at 413.

2. The NVRA Should Allow States to Request Information to Confirm the Eligibility of Voters Who Register Throguh a Motor Vehicle Agency

***Current law*:** "Forms and procedures.

. . .

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

. . .

(B) may require only the ***minimum amount*** of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
52 U.S.C. § 20504(c)(2)(B)(i)-(ii) (emphasis added).

***Concern*:** Courts have enforced § 20504(c)(2)(B)'s "minimum amount of information" requirement strictly, holding states typically must accept applicants' claims concerning their U.S. citizenship and other eligibility requirements without requiring further support when they register to vote through a motor vehicle agency. Consequently, states have generally been unable to require applicants to provide proof of citizenship.

***Caselaw*:**

- *Fish v. Schwab*, 957 F.3d 1105, 1144 (10th Cir. 2020) (holding a state's documentary proof of citizenship requirement "necessarily requires more information than federal law presumes necessary for state officials to meet their eligibility-assessment and registration duties" because the Secretary of State "failed to show that a substantial number of noncitizens have successfully registered to vote in Kansas").

- *Fish v. Kobach*, 840 F.3d 710, 738 (10th Cir. 2016) (holding that the NVRA's requirement that voter registration applicants attest to their U.S. citizenship is "the presumptive minimum amount of information necessary for a state to carry out its eligibility-assessment and registration duties," unless the state can prove that voters' self-certifications alone are insufficient).

- *League of Women Voters of Cal. v. Kelly*, No. 17-cv-2665-LB, 2017 U.S. Dist. LEXIS 137184, at *22-23 (N.D. Cal. Aug. 25, 2017) (concluding the NVRA prohibits a state from mailing out a blank voter registration form along with pre-completed driver's license renewal forms because "it does not provide only the minimum amount of information necessary to prevent duplicate registrations and enable the Secretary to assess the applicant's eligibility and to administer voter registration").

***Suggested changes*:** **Amend § 20504(c)(2)(B)**—"The voter registration application portion of an application for a State motor vehicle driver's license—

. . .

(B) may require only *information the State reasonably deems relevant to:* ~~the minimum amount of information necessary to —~~

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;"

***Explanation*:** This amendment would give states more flexibility to request information from applicants to confirm they satisfy voter eligibility requirements. An applicant's self-certification of satisfying the state's eligibility requirements may be incorrect due to scrivener's errors, misunderstanding, mistake of law, language barriers, errors in automatic voter registration systems, inadvertent markings, erroneous advice or assistance, indifference, literacy challenges, or even intentional fraud. Requiring states to prove that additional confirmation is absolutely necessary to enforce state eligibility requirements is an unreasonably high standard.

3. HAVA Should Be Amended to Permit (or Direct) States to Require Proof of Citizenship from People Who Register Without a Social Security Number

***Current law*:**

"(i) Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for an election for Federal office may not be accepted or processed by a State unless the application includes—

> (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or
>
> (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant's social security number.

(ii) Special rule for applicants without driver's license or social security number. If an applicant for voter registration for an election for Federal office has not been issued a current and valid driver's license or a social security number, the State shall assign the applicant a number which will serve to identify the applicant for voter registration purposes. . . ." 52 U.S.C. § 21083(a)(5)(A)(i)-(ii).

***Concern*:** This provision allows states to accept a person's voter registration form under three circumstances:

(i) the person provides a current and valid driver's license;
(ii) the person provides the last four digits of their social security number; or
(iii) the person lacks a driver's license or social security number, and receives a voter registration number from the state.

Possession of a driver's license, however, does not confirm U.S. citizenship. And if a person possesses neither a driver's license nor a social security number, potential citizenship concerns may arise as well.

***Caselaw*:** n/a

***Suggested Changes*:** Congress should **add 52 U.S.C. § 21083(a)(5)(A)(iv).** There are two suggested variations below: the first makes proof of citizenship mandatory under certain circumstances; the other gives states discretion to require such proof.

- **Option #1—Mandatory proof of citizenship—§ 21083(a)(5)(A)(iv):** "*An application for voter registration submitted pursuant to either § 21083(a)(5)(A)(i)(I) or § 21083(a)(5)(A)(ii) may not be accepted or processed by a State unless the State has confirmed the applicant's attestation of U.S. citizenship with the federal government or through appropriate documentary evidence."*

- **Option #2—Granting states discretion to require proof of citizenship—§ 21083(a)(5)(A)(iv):** "*A state may refrain from accepting or processing an application for voter registration submitted pursuant to either § 21083(a)(5)(A)(i)(I) or § 21083(a)(5)(A)(ii) until it has confirmed the applicant's attestation of U.S. citizenship with the federal government or through appropriate documentary evidence.*"

Explanation: It is illegal for non-citizens to vote in federal elections. By allowing individuals to register without a social security number, HAVA creates a possibility that non-citizens may register through scrivener's errors, misunderstanding, mistake of law, language barriers, errors in automatic voter registration systems, inadvertent markings, erroneous advice or assistance, indifference, literacy challenges, or even intentional fraud—especially when applying for a driver's license or benefits to which non-citizens are entitled or in states with automatic voter registration.

II. VOTER DATABASE MAINTENANCE

4. The NVRA Should Expressly Authorize States to Remove From Their Voter Registration Databases Non-Citizens, Other Ineligible Persons, Fictitious People, and People Who Have Registered in Other States

***Current law*:** "(a) In general. In the administration of voter registration for elections for Federal office, each State shall—

. . .

> (3) provide that the name of a registrant may not be removed from the official list of eligible voters except—
>
> > (A) at the request of the registrant;
> >
> > (B) as provided by State law, by reason of criminal conviction or mental incapacity; or
> >
> > (C) as provided under paragraph (4);
>
> (4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—
>
> > (A) the death of the registrant; or
> >
> > (B) a change in the residence of the registrant . . . ."
> 52 U.S.C. § 20507(a)(3)-(a)(4).

***Concerns*:** The NVRA lists the only circumstances under which a State may remove registrants from the voter registration database. The statute's plain text does not authorize states to remove non-citizens who have been registered to vote. This provision does not appear to contemplate the possibility an ineligible person might be added to the database as the result of mistake or fraud. One court has gone so far as to recognize that Congress must amend this provision to avoid "constitutional concerns." *Arcia v. Sec'y of Fla.*, 772 F.3d 1335, 1345 (11th Cir. 2014). Some courts have essentially ignored the statute's text to permit removal of non-citizens.

***Caselaw*:**

- *Arcia v. Sec'y of Fla.*, 772 F.3d 1335, 1345 (11th Cir. 2014) ("Constitutional concerns would only arise in a later case which squarely presents the question of whether the [NVRA] bars removal of non-citizens altogether. And before we ever get that case, Congress could change the language of the [NVRA] to assuage any constitutional concerns.").

- *Bell v. Marinko*, 367 F.3d 588, 591-92 (6th Cir. 2004) ("In creating a list of justifications for removal, Congress did not intend to bar the removal of names from the official list of persons who were ineligible and improperly registered to vote in the first place.").

- *United States v. Florida*, 870 F. Supp. 2d 1346, 1349-50 (N.D. Fla. 2012) ("[The NVRA's] prohibition on removing a registrant except on specific grounds simply does not apply to an improperly registered noncitizen.").

***Suggested Changes*: Amend 52 U.S.C. § 20507(a)(3)—**"In general. In the administration of voter registration for elections for Federal office, each State shall—

> . . .
>
> (3) provide that the name of a registrant may not be removed from the official list of eligible voters except—
>
> (A) at the request of the registrant;
>
> (B) as provided by State law, by reason of criminal conviction or mental incapacity; ~~or~~
>
> (C) ~~as provided under paragraph (4);~~ *if the chief State election official or the registrar of the jurisdiction, after providing the registrant with reasonable notice and an opportunity to submit evidence, determines by a preponderance of the evidence that the registrant is a non-citizen, is fictitious or otherwise fraudulent, is otherwise ineligible to vote on state law grounds, or has registered in another State after being added to the official list of eligible voters under consideration;* or
>
> *(D)* as provided under paragraph (4).

***Explanation*:** This proposal gives election officials clear authority to remove non-citizens, non-existent people, and other ineligible individuals from the voter registration database. It ensures due process for voters by guaranteeing notice and an opportunity to submit evidence before a person is removed. It fills a gap in the NVRA by recognizing voter records not only become outdated, but may have been erroneously added to the database in the first place. This proposal also permits election officials to remove duplicative registrations.

5. States Should be Required to Remove from Their Voter Registration Databases Voters Who Are Ineligible for Any Reason, and Not Just the Particular Reasons Currently Listed in the NVRA

***Current law*:** "In the administration of voter registration for elections for Federal office, each State shall . . . conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant . . . ."

52 U.S.C. § 20508(a)(4)(A)-(B) (NVRA).

***Concerns*:** The NVRA requires states to "conduct a general program" to remove ineligible voters from the voter registration database only if their ineligibility arises from death or a change in residence. Courts have construed this provision, based on its plain text, to mean states are not required to proactively identify and remove registrants who are ineligible to vote on other grounds, such as lack of citizenship or felony conviction.

***Caselaw*:**

- *Am. Civil Rights Union v. Phila. City Comm'rs*, 872 F.3d 175, 182 (3d Cir. 2017) (holding § 20508(a)(4) "does not require states to purge voters convicted of felonies").

- *Bellitto v. Snipes*, 935 F.3d 1192, 1200-01 (11th Cir. 2019) ("[T]he statutory language is plain and unambiguous and requires the states to employ a general program of list maintenance that makes a reasonable effort to remove voters based only on account of death or change of address . . . .").

***Suggested changes*: Amend 52 U.S.C. § 20508(a)(4) and add § 20508(a)(4)(C)-(E)**— "In the administration of voter registration for elections for Federal office, each State shall . . . conduct a general program that makes a reasonable effort to remove *from the official lists of eligible voters* the names of *people who are, or have become, ineligible to vote for any reason, including but not limited to* ~~ineligible voters from the official lists of eligible voters by reason of—~~

(A) the death of the registrant; ~~or~~

(B) a change in the residence of the registrant;

(C) *lack of U.S. citizenship;*

(D) *felony conviction or incarceration (as provided by State law); or*

(E) *incompetency*.

***Explanation*:** The NVRA already requires states to conduct programs to confirm the accuracy of their lists. The programs should confirm voters' eligibility on all relevant grounds.

6. States Should be Required to Apply "Best Efforts" to Ensure the Accuracy of Their Voter Registration Databases

***Current law*:**

- "In the administration of voter registration for elections for Federal office, each State shall . . . conduct a general program that makes ***a reasonable effort*** to remove the names of ineligible voters from the official lists of eligible voters by reason of—

  (A) the death of the registrant; or

  (B) a change in the residence of the registrant . . . ."

52 U.S.C. § 20508(a)(4)(A)-(B) (NVRA) (emphasis added).

- "Minimum standard for accuracy of State voter registration records. The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

  (A) A system of file maintenance that makes ***a reasonable effort*** to remove registrants who are ineligible to vote from the official list of eligible voters. . . ."

52 U.S.C. § 21083(a)(4)(A) (HAVA) (emphasis added).

***Concerns*:** These provisions require states only to "make[] a reasonable effort" to remove the names of ineligible voters from the voter registration database. Some courts have construed the NVRA's provision somewhat narrowly, declining to require states to take additional steps to ensure the accuracy of their voter rolls, even when they were practicable and potentially helpful.

***Caselaw*:**

- *Bellitto v. Snipes*, 935 F.3d 1192, 1200-01, 1205 (11th Cir. 2019) ("[T]he statutory language . . . does not define what a 'reasonable effort' entails.").

- *Pub. Int. Legal Found. v. Benson*, 136 F.4th 613, 628 (6th Cir. 2025) ("[T]he language of the NVRA does not require a perfect effort, nor does it require the most optimal effort, nor does it even require a very good effort. Instead, the NVRA only requires a reasonable effort.").

***Suggested changes*:**

- **Amend 52 U.S.C. § 20508(a)(4) and add § 20508(a)(4)(C)-(E)**—"In the administration of voter registration for elections for Federal office, each State shall . . . conduct a general program that makes *best efforts based on generally accepted election administration practice and reasonably available governmental information sources and credible databases or records systems* ~~a reasonable effort~~ to remove the names of ineligible voters from the official lists of eligible voters by reason of—

  (A) the death of the registrant; or

  (B) a change in the residence of the registrant.

- **Amend 52 U.S.C. § 21083(a)(4)(A)**—"Minimum standard for accuracy of State voter registration records. The State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

  (A) A system of file maintenance that makes *best efforts based on generally accepted election administration practice and reasonably available governmental information sources and credible databases or records systems* ~~a reasonable effort~~ to remove registrants who are ineligible to vote from the official list of eligible voters. . . ."

***Explanation*:** The NVRA already requires states to conduct programs to confirm the accuracy of their lists. The programs should confirm voters' eligibility on all relevant grounds. Moreover, election officials should be required to conform with best practices in the election administration industry and take advantage of credible information sources available to them. This is especially true for governmental sources of information such as federal citizenship databases, federal and state court records of people who have refused jury service due to lack of U.S. citizenship, and information made available by other states to prevent dual registration.

7. The "Quiet Period" in Which a State is Prohibited from Systematically Updating Its Voter Registration Database Should Be Shortened and Its Scope Should Be Clarified

***Current law*:** "A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters." 52 U.S.C. § 20507(c)(2)(A).

***Concern*:** This provision prevents states from systematically confirming the accuracy of their voter registration rolls for a total of 180 days during every even-numbered year (ninety days before a federal primary election, and another ninety days before the general election). Numerous courts have construed the term "systematically" broadly to include efforts to respond to problems election officials discover as an election approaches. Several have likewise held this provision bars states from systematically removing ineligible non-citizens who should not have been added to the voter database in the first place in the ninety days preceding each election.

***Caselaw*:**

- *Mi Familia Vota v. Fontes*, 129 F.4th 691, 715-17 (9th Cir. 2024) (holding states may not systematically remove alleged non-citizens from the voting rolls within ninety days of a federal election).

- *Arcia v. Sec'y of Fla.*, 772 F.3d 1335, 1345 (11th Cir. 2014) ("The fact that Congress did not expressly include removals based on citizenship in its exhaustive list of exceptions to the 90 Day Provision is good evidence that such removals are prohibited.").

- *Drouillard v. Roberts*, No. 24-cv-6969-CRM, 2024 U.S. Dist. LEXIS 200298, at *28 n.21 (N.D. Cal. Nov. 4, 2024) ("The Court recognizes that there is some question as to whether a state can remove noncitizens from its voting rolls within 90 days of an election.").

- *Va. Coal. for Immigrant Rights v. Beal*, No. 1:24-cv-1778, 1:23-cv-1807, 2024 U.S. Dist. LEXIS 195908 (E.D. Va. Oct. 25, 2024) (enjoining election officials from "continuing any systematic program intended to remove the names of ineligible voters" from the registration database prior to the 2024 election and requiring the restoration of alleged noncitizens previously removed), *stay denied in relevant part*, No. 24-2071, 2024 U.S. App. LEXIS 27584, *16-17 (4th Cir. Oct. 27, 2024)**,** *stay granted*, 220 L. Ed. 2d 179 (U.S. Oct. 30, 2024).

- *N.C. State Conf. of the NAACP v. Bipartisan State Bd. of Elecs. & Ethics Enforcement*, No. 1:16-cv-1274, 2018 U.S. Dist. LEXIS 134228 (M.D.N.C. Aug. 8, 2018) (holding election officials' removal of voters as a result of large numbers of private complaints filed during the "quiet period" based on a private group's mailings being returned as undeliverable violated the § 20507(c)(2)(A)).

- *United States v. Florida*, 870 F. Supp. 2d 1346, 1350 (N.D. Fla. 2012) ("[T]he NVRA does not require a state to allow a noncitizen to vote just because the state did not catch the error more than 90 days in advance.").

***Suggested changes*:** There are several possible ways in which the Committee could **amend 52 U.S.C. § 20507(c)(2)(A)**:

- **Shorten the quiet period—**"A State shall complete, not later than *45* ~~90~~ days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters."

- **Clarify that, during the quiet period, states may continue to switch voters to "inactive" status**—Add to the end of the paragraph: "*A voter is not deemed 'removed' for purposes of this paragraph if they are placed on a State's 'inactive' list, designated as 'inactive' in the State's voter registration database, or otherwise required to provide identification, proof of address, or other proof of eligibility by the end of the State's provisional ballot cure period in order to vote or have any provisional ballot counted."*

- **Clarify the term "systematic" and allow states to take appropriate action against potentially ineligible voters—**Add to the end of the paragraph: "*A State does not carry out a program to 'systematically remove' voters for purposes of this paragraph by initiating appropriate procedures based on reason to believe one or more identified voters in the registration database may be ineligible to vote."*

- **Allow confirmation of new registrants' eligibility—**Add to the end of the paragraph: "*This paragraph shall not apply to voters who have registered to vote less than 90 [or 45] days prior to the date of the next primary or general election for Federal office.*"

- **Tailor judicial remedies for violations**—Add to the end of the paragraph: "*In the event this paragraph is violated, a court may enter an order prohibiting the jurisdiction from continuing its systematic program, but may not require the State to restore to the registration database individuals determined to be ineligible to vote or likely ineligible to vote."*

If all of these changes were made, the statute would read:

"(c)(2)(A) A State shall complete, not later than *45* ~~90~~ days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

> *(i) A voter is not deemed 'removed' for purposes of this paragraph if they are placed on a State's 'inactive' list, otherwise designated as 'inactive' in the State's voter registration database, or required to provide identification, proof of address, or other proof of eligibility in order to vote.*
>
> *(ii) A State is not carrying out a program to 'systematically remove' voters for purposes of this paragraph by initiating appropriate procedures based on reason to believe one or more identified voters in the registration database may be ineligible to vote.*
>
> *(iii) This paragraph shall not apply to voters who have registered to vote less than 90 [or 45] days prior to the date of the next primary or general election for Federal office.*

(iv) In the event this paragraph is violated, a court may enter an order prohibiting the jurisdiction from continuing its systematic program, but may not require the State to restore to the registration database individuals the State has determined to be ineligible to vote or likely ineligible to vote."

***Explanation*:** These proposed amendments draw a better balance between ensuring eligible voters are able to vote without facing substantial burdens, while allowing states to ensure the integrity and accuracy of their rolls. Shortening the "quiet" period to 45 days would bar states from systematically updating their voter rolls for a total of 90 days in each federal election year, rather than the current 180. It may be appropriate to set the period at 45 days since that is when federal law requires the distribution of absentee ballots to military and overseas voters.

These proposed amendments would confirm states are permitted to act in response to evidence concerning the eligibility of particular voters, even if multiple people on the rolls appear potentially ineligible. Likewise, they would allow states to confirm the validity of registration forms received during the Quiet Period, close to the registration deadline or Election Day, when voter registration typically spikes. Finally, if states discover certain voters are likely ineligible through conduct later deemed to violate this statute, a court should not allow such ineligible individuals to vote as a remedy for the NVRA violation.

8. HAVA Should Require States to Cross-Check Their Voter Registration Databases Against a Wider Range of Reliable Governmental Information Sources to Confirm Voters' Identities and Eligibility

***Current law*:**

- "On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 [52 USCS § 20509] of the State of the person's residence." 52 U.S.C. § 20507(g)(1) (NVRA).

- "For purposes of removing names of ineligible voters from the official list of eligible voters—

  (I) under section 8(a)(3)(B) of such Act [52 USCS § 20507(a)(3)(B)], the State shall coordinate the computerized list with State agency records on felony status; and

  (II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act [52 USCS § 20507(a)(4)(A)], the State shall coordinate the computerized list with State agency records on death." 52 U.S.C. § 21083(a)(2)(A)(ii)(I)-(II) (HAVA).

- "Requirements for State officials.

  (i) Sharing information in databases. The chief State election official and the official responsible for the State motor vehicle authority of a State shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to verify the accuracy of the information provided on applications for voter registration.

  (ii) Agreements with Commissioner of Social Security. The official responsible for the State motor vehicle authority shall enter into an agreement with the Commissioner of Social Security under section 205(r)(8) of the Social Security Act . . . ." 52 U.S.C. § 21083(a)(5)(B)(i)-(ii) (HAVA).

***Concerns*:** HAVA requires a state to confirm the accuracy of information in its voter registration database based on certain specified databases and other records maintained by various federal and state governmental entities. Both the federal and state governments have other sources of information, however, which would be helpful for confirming voters' eligibility, as well, particularly with regard to citizenship status.

***Caselaw*:** n/a

***Suggested Changes*:**

- **Add 52 U.S.C. § 20507(k)—**"*The clerk of the United States district court for each judicial district within a State shall provide to the chief State election official the name, address, and other identifying and contact information in the court's records for each person who notified the court that he or she is ineligible for jury service on the grounds he or she is not a United States citizen, along with the date on which the person made such attestation.*"

- **Add 52 U.S.C. § 21083(a)(2)(A)(ii)(III)-(IV)—**"(ii) For purposes of removing names of ineligible voters from the official list of eligible voters:

. . .

(III) the State shall coordinate the computerized list with federal, state, and county court records identifying individuals who declined to perform jury duty on the grounds they are not U.S. citizens; and

(IV) the State shall coordinate the computerized list with federal databases containing information concerning citizenship status including but not limited to the U.S. Citizenship and Immigration Service's Systematic Alien Verification for Entitlements ("SAVE") database.

- **Add 52 U.S.C. § 21083(a)(5)(B)(iii)-(iv)—**"(B) Requirements for State officials.

. . .

(iii) Agreements with federal agencies—The chief State election official shall enter into an agreement with the Director of the U.S. Citizenship and Immigration Service to enable the State election official to obtain information concerning the citizenship status of voter registration applicants and persons registered to vote. The Secretary of State and the Commissioner of Social Security may enter into such agreements, should they deem it appropriate, to provide citizenship-related information to the chief State election official.

***Explanation*:**

These proposed amendments would make it easier for state election officials to obtain information about the citizenship status of voter registration applicants and people in the voter registration database. In particular, they give state officials access to two important sources of information in the federal government's possession: jury duty responses from people claiming not to be citizens, and CIS's SAVE database. The proposed amendment also grants discretion to other federal agencies which have citizenship-related information—the Social Security Administration and State Department—to determine whether it would be appropriate to enter into information-sharing agreements with state election officials.

III. MISCELLANEOUS

9. The NVRA and HAVA Should Define the Terms "Uniform" and "Nondiscriminatory" in a Way Which Does Not Bar States from Investigating Information Concerning Particular Voters

***Current law*:**

- "Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office . . . shall be ***uniform, nondiscriminatory***, and in compliance with the Voting Rights Act of 1965." 52 U.S.C. § 20507(b)(1) (NVRA) (emphasis added).

- "[E]ach State, acting through the chief State election official, shall implement, in a ***uniform and nondiscriminatory manner***, a single, uniform, official, centralized, interactive computerized statewide voter registration list . . . ." 52 U.S.C. § 21083(a)(1)(A) (HAVA) (emphasis added).

- "[A] State shall, in a ***uniform and nondiscriminatory manner***, require an individual to meet the requirements of paragraph (2) . . . ." 52 U.S.C. § 21083(b)(1) (HAVA) (emphasis added).

***Concerns*:** Neither the NVRA nor HAVA defines the terms "uniform" and "nondiscriminatory." Courts have applied these requirements in ways that frustrate states' efforts to seek further information from potential non-citizens on the voter registration list.

***Caselaw*:**

- *Mi Familia Vota v. Fontes*, 129 F.4th 691, 715 (9th Cir. 2025) (holding an Arizona law requiring county recorders to consult the federal SAVE database when there was "reason to believe" a voter might not be a citizen violated the NVRA's uniformity requirement because the SAVE database can be used only to "check[] on naturalized citizens and non-citizens," not natural-born citizens), *reh'g en banc denied*, 152 F.4th 1153 (9th Cir. 2025).

- *Voice of the Experienced v. Ardoin*, No. 23-331-JWD-SDJ, 2025 U.S. Dist. LEXIS 206933, at *115-18 (M.D. La. Oct. 21, 2025) (holding plaintiffs stated a claim under the NVRA's uniformity requirement by alleging that only certain parish election registrars interpreted state law to require felons who had not been previously registered to vote to file certificates attesting that they were not subject to orders of imprisonment as part of the registration process).

- *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) ("To the extent Plaintiffs allege that Defendants' program 'singles out individuals who were once identified in DMV records as noncitizens and subjects them to scrutiny not generally faced by U.S.-born citizens,' they have sufficiently alleged that the Purge Program discriminates based on national origin and against naturalized citizens.").

- *Tenn. Conf. of the NAACP v. Lee*, 730 F. Supp. 3d 705, 723, 740 (M.D. Tenn. 2024) (agreeing that a Tennessee law requiring only felons to provide "additional paperwork" to establish their eligibility to vote "created a non-uniform registration process in violation of the NVRA"), *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) (holding the Secretary of State was not entitled to summary judgment against plaintiffs' challenge to the state requiring certain potential non-citizens to provide proof of citizenship before voting).

- *Common Cause Indiana v. Lawson*, 327 F. Supp. 3d 1139, 1153 (S.D. Ind. 2018) (holding the plaintiffs were likely to prevail in their uniformity challenge to the implementation of Indiana's law concerning potentially duplicative voter registrations because the co-directors of the state Elections Division gave conflicting advice to county officials and county officials' broad implementation discretion), *aff'd on other grounds*, 937 F.3d 944, 962 (7th Cir. 2019) (declining to reach uniformity issue).

- *United States v. Florida*, 870 F. Supp. 2d 1346, 1350 (N.D. Fla. 2012) (holding the Secretary of State likely violated the uniformity requirement because his "methodology" would require recently naturalized citizens "to provide documentation of their citizenship").

- *Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 706 (N.D. Ohio 2006) (holding that registration, Internet-based training, and disclosure requirements only for voter registration workers who received compensation is "not a uniform and non-discriminatory attempt to protect the integrity of the electoral process," because those requirements "do[] not apply to everyone involved in the process" and "necessarily exclude participation by those who do not have access to . . . the Internet").

***Suggested Changes*:**

- **Add 52 U.S.C. § 20507(b)(3)—**"*A State program or activity shall not be deemed to violate this subsection's uniformity requirement if it is based on information—including but not limited to the results of attempts to match records across databases or returned mailings—which suggests particular voters may be ineligible to vote, or their records may be inaccurate or outdated. For purposes of this subsection, the term 'nondiscriminatory' means conducted without discrimination in violation of the Voting Rights Act or the Fifteenth, Nineteenth, or Twenty-Sixth Amendments.*"

- **Add 52 U.S.C. § 21083(e)** —"*A State program or activity shall not be deemed to violate the uniformity requirements of subsections (a) or (b) if it is based on information—including but not limited to the results of attempts to match records across databases or returned mailings—which suggests particular voters may be ineligible to vote, or their records may be inaccurate or outdated. For purposes of this section, the term 'nondiscriminatory' means conducted without discrimination in violation of the Voting Rights Act or the Fifteenth, Nineteenth, or Twenty-Sixth Amendments.*"

Explanation: At a minimum, the NVRA and HAVA should define the terms "uniform" and "nondiscriminatory" so courts are not left to generate definitions on their own in the context of ongoing cases. *Cf. Husted v. A. Phillip Randolph Inst.*, 584 U.S. 756, 779 (2018) (recognizing the NVRA imposes these restrictions but declining to reach the issue because it was waived). The definition should be fair and reasonable, leaving election officials reasonable flexibility to investigate information potentially calling into question the eligibility of only certain people in the voter registration database.

10. States Should Not Be Required to Allow Online Voter Registration in Transactions Occurring Over the Internet Through Motor Vehicle and Welfare Agency Websites Without Wet-Ink Signatures

***Current law*:**

- "Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration . . . ." 52 U.S.C. § 20504(a)(1).

- "Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes." 52 U.S.C. § 20504(d).

- "A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance" a voter registration form "unless the applicant declines to register." 52 U.S.C. § 20506(a)(6)(A).

***Concern*:** The NVRA generally requires states to register people to vote when they obtain or update a driver's license or apply for public benefits. Courts have construed these provisions, however, to require agencies to allow people who seek such services online to register to vote over the Internet, as well, even though states may not wish to permit online registration or generally require wet ink signatures for voter registration.

***Caselaw*:**

- *Stringer v. Hughs*, No. SA-20-CV-46-OG, SA-16-CV-257-OG, 2020 U.S. Dist. LEXIS 221555, at *85 (W.D. Tex. Aug. 28, 2020) ("Interpreting the 'signature' requirement to allow only physical, manual, or wet ink signatures written by hand on paper would be inconsistent with the plain language of the NVRA and the entire statutory scheme.").

- *Action NC v. Strach*, 216 F. Supp. 3d 597, 633-34 (M.D.N.C. 2016)—The court refused to dismiss a lawsuit against North Carolina defendants for not allowing online voter registration when people apply for drivers' licenses, update the addresses on their licenses, or seek public benefits, and granting a preliminary injunction. "Plaintiffs have demonstrated a likelihood of success on the merits on their claim that the NVRA applies to remote covered transactions in both the [§ 20504(a), (d)] and [§ 20506] contexts."

- *Ferrand v. Schedler*, No. 11-926, 2012 U.S. Dist. LEXIS 61862, at *26-27 (E.D. La. May 3, 2012) ("[T]he language in Section 7(a)(6)(A) is indicative of an application to both in person transactions and remote transactions, including those via the internet, telephone and mail.").

***Suggested Changes*:**

- **Add 52 U.S.C. § 20504(a)(3)—**"*This Section shall apply to motor vehicle driver's license applications, including any renewal applications, submitted or transmitted over the Internet only if the State allows domestic voters to submit or transmit voter registration applications over the Internet."*

- **Add 52 U.S.C. § 20504(a)(4)—***"Nothing in this Section shall prohibit a state from requiring an applicant to provide a wet-ink signature in order to have a motor vehicle driver's license application, including any renewal applications, or any portion thereof, be deemed a valid and complete voter registration application or update."*

- **Add 52 U.S.C. § 20506(a)(8)—***"A voter registration agency designated pursuant to subsection (a)(2) or (a)(3) shall not be required to accept voter registration applications submitted or transmitted over the Internet if the State does not otherwise permit domestic voters to submit or transmit voter registration applications over the Internet."*

- **Add 52 U.S.C. § 20506(e)—***"Nothing in this Section shall prohibit a state from requiring an applicant to provide a wet-ink signature in order to have their voter registration application or update be deemed valid and complete."*

***Explanation*:** The NVRA should require motor vehicle departments and other state agencies to register people online only when the state independently permits online voter registration. The NVRA should not prohibit states from requiring wet-ink signatures for voter registration applications submitted through a motor vehicle department or other state agency.

11. Congress Should Establish an Express Private Right of Action for HAVA Violations

***Current law*:**

- "Private right of action.

> (1) A person who is aggrieved by a violation of this Act [the NVRA] may provide written notice of the violation to the chief election official of the State involved.
>
> (2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.
>
> (3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2)." 52 U.S.C. § 20510(b)(1)-(3) (NVRA).

- "The Attorney General may bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief (including a temporary restraining order, a permanent or temporary injunction, or other order) as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under [HAVA] sections 301, 302, 303, and 304 [52 USCS §§ 21081, 21082, 21083, 21083a]." 52 U.S.C. § 21111.

***Concerns*:** The NVRA expressly authorized private plaintiffs to sue election officials to compel compliance with that statute after providing notice of alleged violations. Plaintiffs must have Article III standing to pursue such litigation in federal court. HAVA's provisions concerning state voting systems, provisional ballots, the voter registration database, voter registration, and congressional election observers, in contrast, are generally enforceable only by the Attorney General, *see Am. Civil Rights Union v. Phila. City Comm'rs*, 872 F.3d 175, 181 (3d Cir. 2017), though some courts have allowed plaintiffs to enforce certain HAVA provisions pursuant to 42 U.S.C. § 1983, *see, e.g.*, *Colon-Marrero v. Velez*, 813 F.3d 1, 22 (1st Cir. 2016). HAVA also requires each state which receives funding under that law to establish an administrative complaint process to allow people to bring alleged HAVA violations to the State's attention so that the State may "provide the appropriate remedy." 52 U.S.C. § 21112(a)(1), (a)(2)(F).

***Caselaw*:**

- *Brunner v. Ohio Republican Party*, 555 U.S. 5 (2008) (per curiam) ("Respondents, however, are not sufficiently likely to prevail on the question whether Congress has authorized the District Court to enforce § 303 [of HAVA] in an action brought by a private litigant to justify the issuance of a TRO").

- *Soudelier v. Off. of the Sec'y of State*, No. 22-30809, 2023 U.S. App. LEXIS 30439, at *6 (5th Cir. Nov. 15, 2023) ("[N]owhere does HAVA permit private plaintiffs to seek the relief [the plaintiff] requests.").

- *Bellitto v. Snipes*, 935 F.3d 1192, 1199 (11th Cir. 2019) ("HAVA creates no private cause of action; rather, its provisions are enforceable only through actions taken by the Attorney General of the United States or by filing an administrative complaint with the state.").

- *Am. Civil Rights Union v. Phila. City Comm'rs*, 872 F.3d 175, 181 (3d Cir. 2017) ("Unlike the NVRA, however, the HAVA does not include a private right of action that allows aggrieved parties to sue nonconforming states.").

***Suggested Changes*: Add 52 U.S.C. § 21113—**"*Private right of action.*

> *(1) A person who is aggrieved by a violation of sections 301, 302, or 303 of this Act [HAVA] may provide written notice of the violation to the chief election official of the State involved.*
>
> *(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.*
>
> *(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).*"

***Explanation*:** This amendment would extend the NVRA's provisions concerning pre-suit notice and private rights of action to HAVA. Private plaintiffs would be able to sue to ensure states comply with HAVA's requirements concerning voting systems, provisional ballots, the voter registration database, and voter registration. As drafted, the proposed amendment does not authorize private litigation over congressional election observers.