

May 30, 2025

Camden Kelliher
General Counsel
U.S. Election Assistance Commission
633 3rd Street NW, Suite 200
Washington, DC 20001

**Re: Federal Voter Registration Application and State Requests to Require
Documentary Proof of Citizenship.**

Dear Mr. Kelliher,

Commentary at the EAC's Board of Advisors 2025 annual meeting, along with new state laws and pending state legislation requiring documentary proof of citizenship to register to vote,¹ indicate that the U.S. Election Assistance Commission ("EAC") may soon be urged to amend the federal voter registration application ("federal form") to: (1) permit states to require documentary proof of citizenship with the federal form, and (2) amend state-specific instructions on the federal form accordingly. However, pursuant to the U.S. Constitution, federal statute, and binding precedent, the EAC may not grant those requests.

The undersigned are plaintiffs and counsel challenging Section 2(a) of Executive Order No. 14248 in the ongoing, consolidated action, *LULAC v. Executive Office of the President*, 1:25-cv-946-CKK. As you know, there the court preliminarily enjoined the EAC from acting to add a documentary-proof-of-citizenship requirement to the federal form in response to the executive order. To be sure, state requests to amend the federal form to allow the state to require documentary proof of citizenship fall outside the scope of that pending litigation. However, such changes would likewise be unlawful and would place similar burdens on voters.

Accordingly, the EAC has repeatedly denied requests to add language requiring documentary proof of citizenship to state instructions on the federal form.² Those decisions were correct, and indeed required, under federal law. To decide otherwise would mean reversing prior EAC decisions. In the only instance in which the EAC executive director unilaterally attempted to grant such state requests, federal courts blocked and then vacated those decisions.³

Additionally, as you have acknowledged in *LULAC*, granting any such state requests would require a majority vote by EAC commissioners to approve a proposed amendment, notice-and-comment rulemaking, consultation with state chief election officers, and a second majority vote to approve the issuance of a revised federal form. We urge you not to pursue that path, given that

¹ See, e.g., S.B. 436, 2024 Reg. Sess. (La. 2024) (enacted); S.B. 153, 136th Gen. Ass. (Ohio 2025) (pending); "2025 EAC Board of Advisors Annual Meeting," U.S. Election Assistance Commission, May 5, 2025, <https://www.eac.gov/events/2025/05/05/2025-eac-board-advisors-annual-meeting>.

² See *League of Women Voters of United States v. Newby*, 838 F.3d 1, 5 (D.C. Cir. 2016) (detailing the requests made by Arizona and Kansas, which the EAC denied).

³ *Id.*, 838 F.3d at 14–15; *League of Women Voters of United States v. Harrington*, 560 F. Supp. 3d 177, 189 (D.D.C. 2021).

the National Voter Registration Act and the Constitution do not permit a documentary-proof-of-citizenship requirement with the federal form.⁴

Respectfully submitted,

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⁴ See *Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020).

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