

IN THE
Supreme Court of the United States

REPUBLICAN NATIONAL COMMITTEE,
Petitioner,
v.

MI FAMILIA VOTA, et al.,
Respondents.

On Writ of Certiorari from the United States
Court of Appeals for the Ninth Circuit

**BRIEF OF *AMICI CURIAE* SOCIAL
SCIENTISTS D. SUNSHINE HILLYGUS,
KEVIN T. MORRIS, AND SUSAN J. PEARSON
IN SUPPORT OF RESPONDENTS**

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INTEREST OF *AMICI CURIAE*¹

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¹ Pursuant to Supreme Court Rule 37.6, *amici curiae* affirm that no counsel for a party authored this brief in whole or in part, and that no person or entity other than *amici curiae* and their counsel made a monetary contribution intended to fund the preparation or submission of this brief. This brief does not purport to convey the position of New York University School of Law.

² Institutional and organizational affiliations are provided for identification only. The views expressed in this brief are those of the individual *amici* and do not reflect the views of the institutions or organizations with which they are affiliated.

the expansion of the state and forms of governance, and the development of American liberalism.

INTRODUCTION AND SUMMARY OF ARGUMENT

Congress enacted two commonsense safeguards when it passed the National Voter Registration Act of 1993 (NVRA). To determine a voter’s eligibility to vote, a state should only ask a voter for essential information. Then, when a federal election is around the corner — that is, less than 90 days away — a voter should be able to focus on voting, not fixing their registration. These safeguards ensure that states can “enforce [voting] requirements” while “increasing the number of eligible citizens who register to vote in elections for Federal office.” *Arizona v. Inter Tribal Council of Ariz.*, 570 U.S. 1, 13–17 (2013) (quoting 52 U.S.C. § 20501(b)(1)). Respect for these safeguards is the law, which the Ninth Circuit correctly applied. *Amici* submit this brief to provide the Court with research that shows how, and why, these safeguards matter for voters: They provide predictable, reasonable rules that prevent administrative burdens, costs, and confusion from wrongfully disenfranchising voters as an election approaches.

1. Research supports one of Congress’s primary findings underpinning the NVRA: “unfair registration laws and procedures can have a direct and damaging effect on voter participation[.]” 52 U.S.C. § 20501(a)(3). That research estimates that 21 million voters do not have ready access to documentary proof

of citizenship, likely due in part to the costs and burdens that voters face in obtaining and accessing such documents. In addition, these burdens can disproportionately affect certain groups, such as Native Americans, married women, and young voters. Consistent with this reality, under the NVRA, applicants filling out the federal voter registration form need not submit documentary proof of citizenship. Instead, Congress specified that the federal voter registration form require a voter to “aver, under penalty of perjury,” that the voter “is a citizen.” *Arizona*, 570 U.S. at 4–5.

Relevant provisions of the NVRA govern registration processes for **federal** elections. As such, when Arizona voters use the state voter registration form, but do not provide documentary proof of citizenship, the NVRA ensures that they will still be registered for federal elections. That is because documentary proof of citizenship is not “necessary,” or essential, for an election official to “assess the eligibility of the applicant,” 52 U.S.C. § 20508(b)(1), for federal registration, as the Ninth Circuit correctly concluded. Pet.App.37a, 50a. Arizona House Bill 2492, however, requires election officials to categorically reject state-form applicants who lack documentary proof of citizenship, rather than register those applicants for federal elections. *See* House Bill 2492, 55th Leg., 2d Reg. Sess. (Ariz. 2022); A.R.S. § 16-121.01(C) (implementing requirement). No evidence in the record below suggests why this requirement is necessary. Nor could it. Congress’s attestation requirement accords with similar attestation requirements in virtually every state. Simply put, documentary proof of citizenship is not necessary to

verify a voter’s citizenship, and requiring it could severely burden — or worse, disenfranchise entirely — millions of eligible voters.

2. Research demonstrates that a voter wrongfully removed from the rolls right before an election could face substantial costs and be deterred or prevented from voting altogether. Of course, states also have an ongoing interest in “ensur[ing] that accurate and current voter registration rolls are maintained.” 52 U.S.C. § 20501(b)(4). The NVRA’s 90-Day Provision creates a careful framework to balance both sets of interests. It requires states to complete, within 90 days of a **federal** election, “*any* program” that seeks “to *systematically* remove the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. § 20507(c)(2)(A) (emphases added).

Congress’s choice reflects what research bears out: clear, predictable deadlines, such as cutoff dates for registering voters and sending out ballots, effectively balance states’ election administration needs with the needs of voters, candidates, and others involved in elections. But Arizona House Bill 2243 upends this careful balance to require election officials to systematically remove suspected noncitizens from the voting rolls on a monthly basis, including during the 90-day period before an election. H.B. 2243, 55th Leg., 2d Reg. Sess. (Ariz. 2022); *see also* A.R.S. § 16-165(A)(10), (E)–(L).

Ultimately, this Court is called upon to decide a “narrow issue narrowly[.]” *Watson v. Republican Nat’l*

Comm., 609 U.S. 672, 693 (2026). It need not determine whether the NVRA prevents removals of ineligible voters; the NVRA allows states to do so. Nor need it address whether an individual who is not a citizen can be removed; under the NVRA, that person can be removed. The only issue before the court is whether Arizona can deploy a *systematic program* of removal with fewer than 90 days before an election. The clear terms set forth by Congress in the NVRA, along with the devastating consequences that would fall upon eligible voters from such a program, make clear that Arizona cannot do so.

• • •

The Ninth Circuit applied the right reading of the NVRA. This Court should affirm.

ARGUMENT

I. Evidence Shows That Millions of Eligible Voters Lack Ready Access to Documentary Proof of citizenship.

The Ninth Circuit correctly applied the plain meaning of the NVRA when it concluded that documentary proof of citizenship is not “necessary” to “assess the eligibility of the applicant,” 52 U.S.C. § 20508(b)(1), for federal registration. Pet.App.37a, 50a. Petitioner has cited no evidence to the contrary. There is, however, ample evidence of the harm that requiring documentary proof of citizenship will inflict upon eligible voters: research estimates that

approximately 21 million voters do not have ready access to such documents, likely due in part to the costs and burdens they face in obtaining them.

The plain language of the NVRA limits states to asking for “necessary” information when registering voters for federal elections. *See* 52 U.S.C. §§ 20505(a)(2) (requiring that a state’s voter registration form, when used to register voters for federal elections, must meet “all of the criteria” of the federal form); 20508(b)(1) (limiting identifying information to that “necessary” to assess a registrant’s eligibility). As the Ninth Circuit correctly concluded, the ordinary meaning of “necessary” is “essential,” and requiring documentary proof of citizenship to vote in federal elections is not “essential” because Congress provided for a checkbox for a registrant to attest to citizenship under penalty of perjury. *See* Pet.App.38a, 50a; *see also* 52 U.S.C. § 20508(b)(2) (requiring “attestation” for each eligibility requirement, including citizenship).

Nor does the record here show that documentary proof of citizenship is “necessary” to determine whether voters are qualified to vote in federal elections. Neither petitioner nor any other defendants set forth *any* facts at either the summary judgment or post-trial factual findings stages demonstrating the

necessity of requiring documentary proof of citizenship.³

While the record contains no evidence that documentary proof of citizenship is “necessary” under the NVRA, extensive evidence establishes the harm that requiring documentary proof of citizenship would inflict upon eligible voters who are wrongfully prevented from registering to vote.

Nearly every state voter registration form relies upon an attestation to prove citizenship,⁴ and for good reason: documentary proof of citizenship requirements duplicate existing systems to prove citizenship and add barriers for voters. Under the laws of every state, including Arizona, only citizens are eligible to register to vote in federal elections. *See* A.R.S. § 16-101; *see also, e.g.*, Tex. Elec. Code § 13.001(a)(2); Cal. Elec. Code § 2101; 25 Pa. Cons. Stat. § 1301(a). When an individual registers to vote, they must legally attest to their citizenship status. Those who falsely claim citizenship are subject to legal penalties

³ *See* Intervenor Republican National Committee’s Motion for Partial Summary Judgment, *Mi Familia Vota v. Fontes*, No. 2:22-cv-509 (D. Ariz. May 15, 2023) ECF No. 367; AZ AANHPI Equity, Lucha, and Promise Arizona Respondents’ Brief in Opposition at App.1a–316a, *Petersen v. Mi Familia Vota*, No. 25-1019 (May 26, 2026).

⁴ *See State Voter Registration Forms*, BRENNAN CTR. FOR JUST. (Oct. 9, 2026), <https://www.brennancenter.org/our-work/research-reports/state-voter-registration-forms> [<https://perma.cc/9MHU-37AL>].

including fines, deportation, and prison. And more than 9% of American citizens of voting age, or 21.3 million people, do not have proof of citizenship readily available.⁵

Here, H.B. 2492 would reject any state voter registration application that is not accompanied by one of the following forms of proof of citizenship: a photocopy of a birth certificate, a photocopy of a passport, presentation of naturalization documents or number of the certificate of naturalization, a driver's license or identification number (if issued after October 1, 1996, for Arizona licenses), an applicant's Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number, and other documents or methods of proof established pursuant to the Immigration Reform and Control Act of 1986. *See* A.R.S. §§ 121.01(A), (C), 16-166(F). The challenges and procedural hurdles associated with obtaining these documents — many of which cannot readily be obtained in 90 days — are detailed below.

A. Birth certificates can be difficult to obtain, and some U.S. citizens lack them.

Survey data confirms what common sense holds true: A birth certificate can be lost, misplaced, or

⁵ Kevin T. Morris & Cora Henry, *Millions of Americans Don't Have Documents Proving Their Citizenship Readily Available*, BRENNAN CTR. FOR JUST. (June 11, 2024), <https://www.brennan-center.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily> [<https://perma.cc/7QDC-B6VJ>].

destroyed between the time it is issued to an individual's parents at birth and when an individual wants to register to vote. The 2024 Survey of Performance of American Elections (SPAEE) found that 17% of registered voters did not report being able to easily locate their official birth certificate.⁶ A 2023 University of Maryland Center for Democracy and Civic Engagement, PublicWise, VoteRiders, and Brennan Center for Justice survey similarly found that 13% of voting age citizens with a U.S. birth certificate reported it was not in a place where they could quickly find it if they had to show it tomorrow.⁷ One need not look further than recent natural disasters in Arizona to illustrate why voters may not have their birth certificates on hand: In the last several years, the state has faced

⁶ Charles Stewart III, *How We Voted in 2024: A Topical Look at the Survey of the Performance of American Elections*, MIT ELEC. DATA & SCI. LAB at 19, <https://electionlab.mit.edu/sites/default/files/2025-07/HowWeVotedIn2024.pdf> [<https://perma.cc/5WGQ-MJ7P>] (last visited [Oct. 19, 2026]).

⁷ Jillian A. Rothschild, *Toplines on Documentary Proof of Citizenship Questions from the 2023 National Voter ID Survey*, UNIV. OF MD. CTR. FOR DEMOCRACY AND CIVIC ENGAGEMENT, <https://cdce.umd.edu/sites/cdce.umd.edu/files/Topline%20DPOC%20Questions%202023%20National%20Survey.pdf> [<https://perma.cc/6475-T7LF>] (last visited Oct. 19, 2026); Jillian A. Rothschild, et al., *Who Lacks ID in America Today?*, UNIV. OF MD. CTR. FOR DEMOCRACY AND CIVIC ENGAGEMENT (June 2024), <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%202023%20survey%20Key%20Results%20June%202024%20updatev2.pdf?ref=simple-liberty.ghost> [<https://perma.cc/2U3R-4WU9>].

severe wildfires and floods that could have destroyed birth certificates in the months preceding an election.⁸

A voter who needs to obtain a copy of their birth certificate can face burdensome costs and processes. In Arizona specifically, an applicant must pay \$20 for a copy of their birth certificate and \$30 for a corrected or amended copy, which individuals may need if they changed their name after marriage or otherwise. Ariz. Admin. Code § R9-19-105(A), (D). An applicant must then mail the application for the certificate to the state or a local registrar, along with a copy of a photo ID. *See* Ariz. Admin. Code § R9-19-211(A), (A)(1)(h). Indeed, across the country, states generally require individuals seeking a copy of a birth certificate to submit a completed application form, the required fee, and a copy of a valid government-issued photo ID.⁹ Given that birth certificates are themselves often used as proof of identity for photo IDs such as driver's licenses and other state IDs, this procedure creates an exclusionary loop for citizens who do not yet have such IDs. In Arizona, citizens without such IDs must have

⁸ *See, e.g., 2020 Wildfire Season One of the Worst in Decade*, ARIZ. DEP'T OF FORESTRY & FIRE MGMT, (Jan. 27, 2021) <https://dffm.az.gov/news/2020-wildfire-season-one-worst-decade> [<https://perma.cc/RT2M-Y6R3>]; *Past Flood Events*, YAVAPAI CNTY, <https://www.yavapaiaz.gov/Resident-Services/Flood-Control/Flood-Safety/Local-Flood-Hazard/Past-Flood-Events> [<https://perma.cc/ST4Y-86YA>] (last visited Oct. 19, 2026).

⁹ *Where to Write for Vital Records*, CDC: NAT'L CTR. FOR HEALTH STAT., <https://www.cdc.gov/nchs/w2w/index.htm> [<https://perma.cc/A27X-7VF4>] (last visited Oct. 19, 2026).

their applications notarized, Ariz. Admin. Code § R9-19-211(A)(1)(h), which requires more time, money, and effort from a voter. And since notaries require either personal knowledge or government issued IDs to verify identity, this can create the same exclusionary issues present with the original ID requirement.¹⁰

While some individuals may struggle to obtain a copy of their birth certificate, others may face an even steeper challenge: having never received a birth certificate in the first place. States, not the federal government, control birth registration, and states in the South and West did not reach universal registration until after World War II.¹¹ In fact, during World War II, the federal government briefly tried to require documentary proof of citizenship to work in the war industries. It ultimately reversed course and chose to rely on oaths after realizing that continuing to require such documents would have crippled the war effort; at the time, 60 million Americans, including 43 million Americans of working age, lacked birth certificates.¹²

¹⁰ ARIZ. OFF. OF SEC'Y OF STATE, ARIZONA NOTARY PUBLIC REFERENCE MANUAL 17 (2026), <https://azsos.gov/sites/default/files/docs/Notary-Manual-Oct-2026.pdf>.

¹¹ See Susan J. Pearson, THE BIRTH CERTIFICATE: AN AMERICAN HISTORY 5, 114–17 (2021).

¹² See *id.* at 244–47; *Authorizing the Director of the Census to Issue Birth Certificates: Hearings Before the Comm. on the Census*, 77th Cong. 41 (1942) (memorandum of James Forrestal, Secretary of the Navy), 67 (statement of Thomas J. Woofter, Director of Research, Federal Security Agency); DEP'T OF COMMERCE: BUREAU OF THE CENSUS, *Number 29: A Review of Vital Statistics*:

Both during and after that era, some individuals born in remote rural areas that lacked access to hospitals — as well as Black and other nonwhite populations who were excluded from hospitals and other private healthcare facilities — did not have their births officially recorded.¹³ Even after 1933, when all of the then-48 states recorded 90% or more of live births,¹⁴ percentages of recorded births varied tremendously by race, region, and location of birth. Among particular Native American groups, rates were much lower: by 1950, just under 50% of Navajo babies were registered.¹⁵

Many of the people born before states achieved universal birth registration are still alive today and could be barred from voting by any requirement to provide documentary proof of citizenship. Eighteen percent of the United States population is over the age of 65, and over 5% is between the ages of 75 to 84.¹⁶

United States, 1941, 17 VITAL STATISTICS — SPECIAL REPORTS 525, 551—52 (Aug. 6, 1943).

¹³ Pearson, *supra* note 11, at 8.

¹⁴ *Id.* at 5.

¹⁵ Sam Shapiro, *Recent Testing of Birth Registration Completeness in the United States*, 8 POPULATION STUD. 3, 15–16 (1954); J. Nixon Hadley, *Health Conditions Among Navajo Indians*, 70 PUB. HEALTH REPS. 831, 832 (1955).

¹⁶ See *S0101: Age and Sex–2024: ACS 1-Year Estimates Subject Tables*, U.S. CENSUS BUREAU, <https://data.census.gov/table?q=Population+by+age> [<https://perma.cc/M5TR-FLRG>] (last visited [Oct. 20, 2026]).

Consider the example of Jessie Lovette, who could not obtain a Florida state identification card because her mother gave birth at home during the 1940s in segregated Georgia.¹⁷ Requiring documentary proof of citizenship could effectively prevent thousands of these citizens from exercising their constitutional right, with the burden falling disproportionately on men and women born to nonwhite and/or farming families.

Separate and apart from individuals born before universal birth registration, some people born after the 1950s still lack birth certificates. Abigail Colon, for example, was born at home to evangelical Christian parents in Colorado and was homeschooled. Now, as an adult, she has petitioned the state of Colorado unsuccessfully for a delayed certificate of birth, but the state has denied her request because she lacks documentary proof of her existence from before the age of ten.¹⁸ Colon is not alone; some parents, often for deeply held ideological, philosophical, or religious reasons, deliver their children at home and decline to have their births registered. If those children are also homeschooled and do not receive mainstream medical

¹⁷ Tania Francois, *Missing Birth Certificate, South Florida Woman Says She's Trapped Without ID Due To Real ID Rules*, CBS NEWS (May 5, 2025), <https://www.cbsnews.com/miami/news/south-florida-woman-says-shes-trapped-without-id-due-to-real-id-rules-missing-birth-certificate/> [<https://perma.cc/8Q9V-EFHX>].

¹⁸ Spencer Bailey, *The Woman Who Doesn't Exist*, 5280 (Aug. 2025), <https://5280.com/the-woman-who-doesnt-exist/> [<https://perma.cc/N68F-96MM>].

care, they reach adulthood with no proof of identity and few resources to establish it, particularly if their parents are uncooperative or estranged.¹⁹

While it is inherently difficult to calculate with certainty the number of citizens who cannot prove their citizenship because they never received birth certificates, one survey estimates that as many as 1% of adults born in the United States fall into this category.²⁰ For those voters who never received birth certificates, these gaps in documentation can pose a particularly grave barrier to voter registration.

B. Passport ownership is limited.

An eligible voter may provide a valid passport as documentary proof of citizenship under H.B. 2492, but most U.S. citizens do not currently have a passport that could be used for purposes of voter registration or have easy access to their passport. In 2024, only 48% of the voting-eligible population reported having a valid passport according to the American National Election Study (ANES).²¹ Among those already

¹⁹ Erin Welsh, *Kids off the Grid: ‘Sovereign Citizen Parenting’ and Its Legal Impact on Children*, N.Y. STATE BAR ASS’N (Sept. 21, 2023) <https://nysba.org/kids-off-the-grid-sovereign-citizen-parenting-and-its-legal-impact-on-children/> [<https://perma.cc/D86N-MVLT>].

²⁰ Rothschild, *Toplines*, *supra* note 7.

²¹ *2024 Time Series Study*, AM. NAT’L ELEC. STUD., <https://electionstudies.org/data-center/2024-time-series-study/> [<https://perma.cc/AC44-VYD6>] (last visited Oct. 19, 2026).

registered to vote, the 2024 SPAE found that only 46% of registered voters reported having an unexpired passport with a name matching their voter registration.²² And the 2023 University of Maryland survey found that although 54% of the 2,386 citizens sampled reported having a passport, only 84% had a passport in a place where they could quickly find it to show it tomorrow.²³

If applying for a passport, a voter would need to pay \$165 for a first-time application — not to mention \$86.87 in expedited service and delivery fees, which a voter might need if requesting a passport right before a registration or election deadline.²⁴ The documents required to be submitted along with a passport application vary based on the circumstances of the applicant's birth. An applicant born in the United States must present a birth certificate or valid passport as primary citizenship evidence.²⁵ An applicant lacking either could supply a delayed birth certificate or "Letter of No Record," and if doing so must submit a host of public records or documents from the first five years

²² Charles Stewart III, *supra* note 6.

²³ Rothschild, *Toplines*, *supra* note 7.

²⁴ *See Passport Fees*, U.S. DEP'T OF STATE: TRAVEL.STATE.GOV (Mar. 19, 2026), <https://travel.state.gov/en/passports/apply/help/fees.html>.

²⁵ *See Citizenship Evidence*, U.S. DEP'T OF STATE: TRAVEL.STATE.GOV (Oct. 5, 2026), <https://travel.state.gov/en/passports/apply/help/citizenship-evidence.html>.

of the applicant's life.²⁶ But the State Department is not obligated to accept such documents and, in fact, frequently rejects them, subjecting applicants to lengthy and expensive court proceedings to establish the facts of their birth.²⁷ An applicant born outside the United States must submit numerous documents depending on whether the applicant became a citizen at birth, was naturalized, or was adopted,²⁸ but similarly lengthy processes can ensue. In short, passports can raise the same complications as those faced by individuals who do not have their birth certificates readily accessible.

C. Naturalization documents can be difficult to replace.

An eligible voter in Arizona who is a naturalized citizen may present naturalization documents or the number of their certificate of naturalization as documentary proof of citizenship. A.R.S. § 16-166(F)(4). But 29% of those with a U.S. Naturalization Certificate or U.S. Certificate of Citizenship lack ready

²⁶ *See id.*

²⁷ *See* Kevin Sieff, *U.S. Is Denying Passports to Americans Along the Border; Throwing Their Citizenship into Question*, WASH. POST, (Aug. 30, 2018), https://www.washingtonpost.com/world/the_americas/us-is-denying-passports-to-americans-along-the-border-throwing-their-citizenship-into-question/2018/08/29/1d630e84-a0da-11e8-a3dd-2a1991f075d5_story.html [<https://perma.cc/249Q-LCM5>].

²⁸ *See Citizenship Evidence*, *supra* note 25.

access to those documents.²⁹ Obtaining a replacement naturalization certificate can cost as much as \$555, not to mention that it can take months of processing time.³⁰ And if the voter only has the number of the certificate of naturalization, the voter must wait until the county recorder verifies the number with federal agencies. A.R.S. § 16-166(F)(4).

D. Certain documents, such as driver's licenses, do not establish citizenship.

While Arizona accepts in-state and out-of-state driver's license or identification card numbers as documentary proof of citizenship, these documents either do not establish citizenship or require documentation to obtain that implicate the same challenges described above.

Most notably, Arizona voters must still provide proof of citizenship to obtain a driver's license: A voter may only provide an in-state driver's license or identification card number originally issued after October 1996, A.R.S. § 16-166(F)(1), when Arizona began requiring proof of citizenship to obtain a regular driver's license (noncitizens and green card holders are issued a different type of license).³¹ Accordingly, a driver's

²⁹ Rothschild, *Toplines*, *supra* note 7.

³⁰ *G-1055, Fee Schedule*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/g-1055> [<https://perma.cc/Z3L8-EX6Y>] (last visited Oct. 16, 2026).

³¹ See Ariz. Att'y Gen.'s Off. I25-007 (R25-009), Opinion: Treatment of Voters with Legacy MVD Credentials Who May Not

license will provide no recourse to a voter who will have difficulty obtaining documents to establish citizenship.

And while a voter may submit an out-of-state license or identification card to establish citizenship, *see* A.R.S. § 16-166(F)(1), driver’s licenses can only prove citizenship for a small fraction of voters. Most state-issued REAL ID-compliant driver’s licenses do not indicate that an applicant is a citizen because citizenship is not a requirement for possessing a REAL ID. Only five states — New York, Michigan, Minnesota, Vermont, and Washington — offer Enhanced Drivers Licenses that are issued only to citizens.³² These Enhanced Drivers Licenses are used to provide proof of identity and U.S. citizenship when crossing the U.S. border in a vehicle; they are REAL ID-compliant but cost more than a REAL ID to procure (ranging from \$45–\$100, depending on the state). Given their limited availability, extra cost, and narrow use case, Enhanced Drivers Licenses would provide documentary proof of citizenship for only a small fraction of voters.

Have Provided Proof of Authorized Presence to MVD (Aug. 18, 2025), <https://www.azag.gov/opinions/i25-007-r25-009> [<https://perma.cc/4QTD-WPLT>].

³² ARIZ. OFF. OF SEC’Y OF STATE, 2025 ELECTIONS PROCEDURES MANUAL 5 (2025), <https://apps.azsos.gov/election/files/epm/2025/Election-Procedures-Manual-2025--FINAL-12-22-25.pdf> [<https://perma.cc/4SAW-K4W4>].

E. Legal name changes, such as those for married women, add further barriers for voters.

For some Arizona voters, legal name changes will create an additional hurdle in obtaining documents sufficient to prove citizenship under H.B. 2492. Most notably, using a birth certificate as proof of citizenship may not be sufficient on its own for these voters, as individuals must provide additional documentation — such as a marriage certificate, divorce decree, or court order — to verify a legal name change if the name on their birth certificate is not the applicant’s current legal name.³³ According to a 2023 Pew Research Center survey, 84% of women in opposite-sex marriages reported taking their spouse’s last name or hyphenating both names. In contrast, 92% of men in opposite-sex marriages retained their original surname.³⁴ Consistent with these numbers, one survey found that 16% of women do not have a birth certificate with their current name on it, compared to 8% of men.³⁵

³³ *Id.* at 5–6.

³⁴ Ana Barroso, *About Eight-in-Ten Women in Opposite-Sex Marriages Say They Took Their Husband’s Last Name*, PEW RSCH. CTR. (Sept. 7, 2023), <https://www.pewresearch.org/short-reads/2023/09/07/about-eight-in-ten-women-in-opposite-sex-marriages-say-they-took-their-husbands-last-name/> [<https://perma.cc/VX2J-9YB2>].

³⁵ *YouGov Survey: Passports and Beliefs*, YOUgov (May 2025) at 3. https://d3nkl3psvxxpe9.cloudfront.net/documents/Passports_and_Beliefs_poll_results.pdf [<https://perma.cc/4PYK-WZJR>].

With over 2 million marriages and more than half a million divorces occurring annually in the United States,³⁶ the need for supplemental documentation to reconcile name discrepancies is both a common and consequential factor that creates additional complexity and potential barriers for voters, especially for married women.

F. Documents can be difficult to obtain for voters living on Native land.

Voters on tribal land may face additional, unique challenges under H.B. 2492. Indeed, voters on tribal land make up 2.5% of all registered Arizona voters, but voters living on or close to reservations make up 7.3% of all active federal-only voters (i.e., voters who registered using the federal form and did not submit documentary proof of citizenship, leaving them eligible to vote solely in races for federal office) in Arizona.³⁷ This overrepresentation makes sense: A Native American voter living on tribal land may not have a birth certificate or Arizona driver's license. *Id.* For

³⁶ Clayton Buck, Paul Hemez & Lydia Anderson, *How Does Your State Compare with National Marriage and Divorce Trends?*, U.S. CENSUS BUREAU (Oct. 8, 2024), <https://www.census.gov/library/stories/2024/10/marriage-and-divorce.html> [<https://perma.cc/XJ9G-UR27>].

³⁷ Kae Petrin & Jen Fifield, *Who Are the Arizona Voters Without Proof of Citizenship? They May Surprise You.*, VOTEBEAT (Dec. 13, 2024 at 17:20 ET), <https://www.votebeat.org/arizona/2024/12/13/arizona-voter-citizenship-proof-law-shows-groups-struggling-to-provide-it/> [<https://perma.cc/XD8N-YVTQ>].

example, some Native Americans born on tribal lands outside of state-run facilities may lack state-issued birth certificates. Indeed, one survey found that among Native Americans in North Dakota who do not have qualifying voter ID, 28.9% do not have a birth certificate or other proof of identity showing their current legal name.³⁸ Others may have their birth certificates rejected; consider the example of one elderly tribal member whose birth certificate was unusable because it “was in the day when they named her ‘Baby Girl.’”³⁹ Moreover, obtaining a state-issued driver’s license or identification card can be difficult for native voters given the distances required to travel to state-run motor vehicles department offices.⁴⁰

While Arizona law permits Native American applicants to submit additional forms of documentation, such as tribal enrollment numbers, the identification cards that tribes issue with those numbers can also be costly to obtain or replace: A new identification card for members of the Navajo Nation, Arizona’s largest,

³⁸ See Decl. of Matthew A. Barreto, Ph.D. at 26–27, *Brakebill v. Jaeger*, No. 1:16-cv-000008 (D.N.D. Feb. 16, 2018) ECF No. 90-1.

³⁹ NATIVE AM. RTS, FUND, OBSTACLES AT EVERY TURN: BARRIERS TO POLITICAL PARTICIPATION FACED BY NATIVE AMERICAN VOTERS 74 (2020), https://vote.narf.org/wp-content/uploads/2020/06/obstacles_at_every_turn.pdf [<https://perma.cc/QUJ4-PACX>].

⁴⁰ *Id.* at 73–75.

can cost \$17, with replacements for lost or stolen cards costing \$50.⁴¹

G. Access to documents can vary for certain groups, including by income, race, and age.

Access to the documents that H.B. 2492 requires to prove citizenship varies across the population; data demonstrates that Arizona voters who have lower incomes, nonwhite voters, and younger voters are more likely to lack such documents.

Income and race. Barriers to obtaining documentary proof of citizenship can disproportionately affect poorer voters. In Arizona, the average federal-only voter lives in a census block group where the median income is \$72,000, compared with about \$94,000 for the average state-and-federal voter.⁴² Research similarly shows that 28% of those with incomes under

⁴¹ See *What Is a Federal Indian Reservation?*, U.S. DEPT OF THE INTERIOR: INDIAN AFFS. (July 18, 2017), <https://www.bia.gov/faqs/what-federal-indian-reservation> [<https://perma.cc/SJ27-ZUCX>]; *Request for Navajo Nation Identification Card*, NAVAJO OFF. OF VITAL RECS. & IDENTIFICATION, <https://novri.navajo-nsn.gov/Services/Tribal-ID> [<https://perma.cc/9RG4-KMQ5>] (last visited Oct. 15, 2026).

⁴² Kevin T. Morris & Arlyss Herzig, *Arizona's Show-Your-Papers Requirement Hurts Voters*, BRENNAN CTR. FOR JUST. (Feb. 19, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/arizonas-show-your-papers-requirement-hurts-voters> [<https://perma.cc/VKW9-G6FS>].

\$50,000 have a passport, compared to 80% of those with incomes over \$100,000.⁴³

Nonwhite voters are also more likely to encounter difficulties with documentary proof of citizenship requirements. The data on Arizona's federal-only voters reflect as much. In Arizona, voters of color represent 36% of the electorate who provided documents proving their citizenship when they registered, but 54% of federal-only voters.⁴⁴ Latino voters are especially likely to be left out of state elections, as they make up 37% of the federal-only voters, compared with just 25% of voters who can vote in all elections in Arizona.⁴⁵ Black voters similarly make up nearly twice as much of the federal-only electorate as of the rest of the electorate (8.9% versus 4.7%).⁴⁶

Research provides numerous examples to explain these discrepancies. Nationally, the 2024 ANES survey found that 49% of white respondents have a valid U.S. passport, compared to 42% of Black respondents.⁴⁷ A 2025 survey found that 25% of Black eligible voters did not have a birth certificate or passport with their current name, compared to 16% of white eligible

⁴³ *Passports and Beliefs*, *supra* note 35 at 4.

⁴⁴ Morris & Herzig, *supra* note 42.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

voters.⁴⁸ The 2023 University of Maryland survey estimated that 3% of nonwhite voting age citizens lack *any* form of documentary proof of citizenship, compared to 1% of white voting age citizens.⁴⁹ Moreover, 11% of nonwhite voting age citizens report they did not have the document in a place they could quickly find it to show it tomorrow, compared to 8% of white voting age citizens.⁵⁰ The Milwaukee survey of eligible voters found that 11% of white eligible voters lacked any documentary proof of citizenship (U.S. birth certificate, certificate of naturalization, or certificate of citizenship), compared to 14% of Black and 19% of Hispanic eligible voters.⁵¹ And research on voter identification generally shows that individuals who are poorer or less educated, are Black or Hispanic, young

⁴⁸ Do You Currently Have a Document That Proves Both Your Identity and U.S. Citizenship — Such as a U.S. Passport or Birth Certificate?, YOUgov (Feb. 24, 2025), <https://yougov.com/en-us/daily-results/20250224-fcbdc-2> [https://perma.cc/B6PP-J6U3].

⁴⁹ Rothschild et al., *Who Lacks ID in America Today?*, *supra* note 7 at 6.

⁵⁰ *Id.*

⁵¹ Rates of Possession of Accepted Photo Identification, Among Different Subgroups in the Eligible Voter Population, Milwaukee County, Wisconsin: Expert Report Submitted on Behalf of Plaintiffs at 24, *Frank v. Walker*, No. 2:11-cv-01128 (E.D. Wis. Apr. 23, 2012) ECF No. 62-10.

voters, or over the age of 70 are less likely to possess government-issued photo IDs.⁵²

Age. The time and expense associated with the need for documentary proof of citizenship can be worse for first-time or infrequent voters. This holds particularly true for young voters, both overall and in Arizona.

Specifically, research shows that young people and college students move frequently for school and work and, being newer to voting, may lack information and experience about the process.⁵³ Moving

⁵² See, e.g., Michael J. Hanmer & Sarah B. Novey, *Who Lacked Photo ID in 2020?: An Exploration of the American National Election Studies*, UNIV. OF MD. CTR. FOR DEMOCRACY AND CIVIC ENGAGEMENT (Mar. 13, 2023), <https://www.voteriders.org/wp-content/uploads/2023/04/> (copy on file with the Brennan Center for Justice); Matt Barreto, Stephen A. Nuo & Gabriel R. Sanchez, *The Disproportionate Impact of Voter-ID Requirements on the Electorate — New Evidence from Indiana*, 42 POL. SCI. & POL. 111 (2009); Charles Stewart III, *Voter ID: Who Has Them?; Who Shows Them?*, 66 Okla. L. Rev. 21 (2013); U.S. GOV'T ACCOUNTABILITY OFF., GAO-14-634, ELECTIONS: ISSUES RELATED TO STATE VOTER IDENTIFICATION LAWS (2015).

⁵³ JOHN B. HOLBEIN & D. SUNSHINE HILLYGUS, MAKING YOUNG VOTERS: CONVERTING CIVIC ATTITUDES INTO CIVIC ACTION (2020); David Cottrell, Michael C. Herron & Daniel A. Smith, *Vote-by-Mail Ballot Rejection and Experience with Mail-in Voting*, 49 AM. POL. RSCH. 577 (2021); Anna Baringer, Michael C. Herron & Daniel A. Smith, *Voting by Mail and Ballot Rejection: Lessons from Florida for Elections in the Age of the Coronavirus*, 19 ELECTION L.J.: RULES, POL., & POL'Y 289 (2020); Michael Herron & Daniel A. Smith, *High Ballot Rejection Rates Should Worry Florida Voters*, TAMPA BAY TIMES (Oct. 27, 2012),

can, of course, require changing one's registration address or learning about different registration rules or voter identification requirements. Young people are also more likely than experienced voters to find it challenging to register, locate and travel to their registration and voting sites, and correctly fill out registration or voting paperwork.⁵⁴ In one study, for example, the majority of young people made some error in completing a registration form, and for many the error was significant enough to result in the form being rejected by a registrar.⁵⁵ The potential for error is amplified through strict voting laws, including Arizona's documentary proof of citizenship requirement. Indeed, research demonstrates that adults ages 18 to 29

<https://www.tampabay.com/opinion/columns/high-ballot-rejection-rates-should-worry-florida-voters/1258477/> [https://perma.cc/WR4B-78E6]; John Frank, *Colorado Reports Nearly 29,000 Rejected Ballots in the 2020 Election, with Younger Voters the Bulk of Total*, COLO. SUN (Dec. 4, 2020 at 4:00 MT) <https://coloradosun.com/2020/12/09/colorado-rejected-ballots-2020-election/> [https://perma.cc/QJG7-3E8M]; Charlotte Hill, *Young People Face Higher Voting Costs and Are Less Informed About State Voting Laws*, BERKELEY INST. FOR YOUNG AMS. 5 (Aug. 8, 2020) https://youngamericans.berkeley.edu/wp-content/uploads/2020/08/Hill_BIFYA_Working_Paper_08_08_2020.pdf [https://perma.cc/E9VR-MR6D].

⁵⁴ *Id.*; HOLBEIN & HILLYGUS, *supra* note 53.

⁵⁵ See Joseph Gershtenson et al., *Registering to Vote is Easy, Right? Active Learning and Attitudes About Voter Registration*, 9 J. OF POL. SCI. EDUC. 379 (2013).

are less likely than older adults to possess documents that prove their identity and citizenship.⁵⁶

Arizona's federal-only voter statistics mirror these nationwide trends. Although only 9.8% of Arizonans are ages 18 to 24, 36.2% of federal-only voters in the state fall within that age range.⁵⁷ Likewise, around 1 in 3 students registering at voter registration drives were unable to provide an in-state driver's license or other acceptable proof of citizenship document.⁵⁸

• • •

For the tens of thousands of Arizonans who do not have or cannot locate documentary proof of citizenship, obtaining a replacement can be a costly, time-consuming, and bureaucratically burdensome process. *See* Appendix, *infra* (summarizing costs). These voters, including voters with lower incomes, nonwhite voters, and younger voters, are thus disproportionately likely to face disenfranchisement under Arizona

⁵⁶ *Do You Currently Have a Document That Proves Both Your Identity and U.S. Citizenship*, *supra* note 48; *See Distribution of Licensed Drivers – 2021: By Sex and Percentage in Each Age Group and Relation to Population*, U.S. DEPT OF TRANSP.: FED. HIGHWAY ADMIN. (Dec. 2022), <https://www.fhwa.dot.gov/policyinformation/statistics/2021/dl20.cfm> [https://perma.cc/7LXS-X4EB].

⁵⁷ Petrin & Fifield, *supra* note 37.

⁵⁸ *Id.*

House Bill 2492. The NVRA and the Ninth Circuit’s decision correctly stave off that risk.

II. The 90-Day Provision of the NVRA Provides a Clear Rule That Prevents Unnecessary Voter Costs and Confusion.

No later than 90 days before a federal election, a state must complete “any program” that purports to “systematically remove the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. § 20507(c)(2)(A). By enacting this provision, Congress both ensured that voter rolls are accurately maintained and encouraged procedures that will “enhance[] the participation of eligible citizens as voters in election for Federal office.” *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1346 (11th Cir. 2014). This balance is far from unique: federal and state election laws are replete with similar deadlines, such as cutoff dates for registering voters and sending out ballots, that balance states’ election administration needs with the needs of voters, candidates, and others to plan their pre-Election Day activities. A wealth of research affirms this approach, demonstrating that voters wrongfully removed in the leadup to an election could face undue costs and confusion that may impede or deter them from voting altogether.

A. The 90-Day Provision Provides a Clear Rule, Consistent with Countless Other Election Deadlines, that Balances the Needs of States and Voters in the Final Days Before Election Day.

Congress struck a “careful balance” when it enacted the 90-Day Provision, permitting 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.” *Arcia*, 772 F.3d at 1346. Before the 90-day window, a registrant who has been incorrectly removed may have time to correct any errors. *Id.* And within the 90-day window, a registrant removed on an individualized basis has usually been the subject of an individualized inquiry or correspondence, reducing the chance of a mistake. *Id.* But a systematic removal program — like that contemplated by H.B. 2243 — deployed within the 90-day window creates the risk that eligible voters could be removed right before Election Day with little time to correct any errors. That is why courts have rejected attempts to systematically remove registrants who fall outside of Congress’s stated exceptions. *See, e.g., Arcia*, 772 F.3d at 1342 (blocking program attempting to systematically remove suspected noncitizens within 90-day period); *N. Carolina State Conf. of NAACP v. Bipartisan Bd. of Elections & Ethics Enft.*, No. 16-CV-1274, 2018 WL 3748172, *6–10 (M.D.N.C. Aug. 7, 2018) (blocking removals from voter rolls without individualized inquiries within 90-day period); *Majority Forward v. Ben Hill Cnty. Bd. of Elections*,

512 F. Supp. 3d 1354, 1369–70 (M.D. Ga. 2021) (same).

The balance that Congress crafted in the 90-Day Provision is just one example in a longstanding tradition of election law. Recognizing that there will always be a push and pull between the interests of those administering elections and the interests of voters, Congress and states routinely create neutrally applicable rules designed to maximize both goals before an election. For example, Congress has set deadlines such as:

- Under the NVRA, states must set a voter registration deadline of no more than 30 days before a federal election, 52 U.S.C. § 20507(a)(1). This requirement balances Congress’s desire to facilitate voter registration with states’ interest in having finalized voter rolls in the leadup to an election and avoiding the administrative complications that come with late registrations. *See* H.R. Rep. 103-9 (1993), at 4–5 (discussing registration requirements).
- Under the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), states must transmit validly requested absentee ballots to military and overseas voters not later than 45 days before a federal election, 52 U.S.C. § 20302(a)(8)(A). This requirement acknowledges the time it takes state election officials to prepare and process ballots while ensuring that military and overseas voters receive their

ballots with enough time to return them, especially when voting from far-away locations.

State laws similarly set deadlines such as:

- An eligible voter must register by their state’s voter registration deadline. Approximately half the states set their registration deadline 20 to 30 days before an election; the other half allow voters to register one to 19 days before Election Day or on Election Day, and North Dakota has no voter registration.⁵⁹ Many states also offer same-day registration and early voting.⁶⁰ Registration deadlines balance the need for election officials to have “an opportunity to prepare for the election” with voters’ interests in having ample time to participate in their elections. *See Dunn v. Blumstein*, 405 U.S. 330, 347 (1972).
- Election officials must mail ballots to absentee or mail voters within specific timeframes, with over half mailing ballots 30 days or more before an election.⁶¹ These timeframes recognize

⁵⁹ *See Voter Registration Deadlines*, NAT’L CONF. OF STATE LEGISLATURES (May 20, 2026), <https://www.ncsl.org/elections-and-campaigns/voter-registration-deadlines> (copy on file with the Brennan Center for Justice).

⁶⁰ *Id.*

⁶¹ *See Table 7: When States Mail Out Absentee/Mail Ballots*, NAT’L CONF. OF STATE LEGISLATURES (Sept. 21, 2026), <https://www.ncsl.org/elections-and-campaigns/table-7-when->

the time it takes for state election officials to prepare and process ballots while ensuring that voters receive mail ballots with enough time to complete and return them.

- State laws allow early in-person voting to begin as early as 50 days before an election, with the average early in-person voting window beginning 27 days before an election.⁶² These windows balance states’ practical need to establish fixed opening and closing times for polling places with the reality that many voters need to vote on a day before Election Day.
- Mail ballots must be received on or before Election Day in 35 states and, if validly postmarked, within a specified period of time after Election Day in 15 states plus Guam, Puerto Rico, the Virgin Island, and the District of Columbia.⁶³ “Ballot receipt is a matter of state law,” *Watson*, 609 U.S. at 684, allowing states

states-mail-out-absentee-mail-ballots (copy on file with the Brennan Center for Justice).

⁶² See *Early In-Person Voting*, NAT’L CONF. OF STATE LEGISLATURES (Aug. 11, 2026), <https://www.ncsl.org/elections-and-campaigns/early-in-person-voting> (copy on file with the Brennan Center for Justice).

⁶³ See *Table 11: Receipt and Postmark Deadlines for Absentee/Mail Ballots*, NAT’L CONF. OF STATE LEGISLATURES (Sept. 25, 2026), <https://www.ncsl.org/elections-and-campaigns/table-11-receipt-and-postmark-deadlines-for-absentee-mail-ballots> (copy on file with the Brennan Center for Justice).

to balance election officials' interest in processing mail ballots on a clear timeline with voters' interest in ensuring their ballots are received and counted.

- Absentee or mail ballots with potential problems, such as mismatched signatures, may be cured if voters address the issue within a certain number of days after Election Day.⁶⁴ These windows balance election officials' need for clear post-election deadlines with voters' interest in having an opportunity to learn about any defects in their ballots, correct those defects, and ensure their votes are counted.
- Election officials must canvass and certify election results within set statutory time frames.⁶⁵ These dates reflect the significant time and effort it takes to accurately compile, check, and finalize vote totals, while also recognizing that voters and candidates have an interest in clear post-election deadlines that ensure elections

⁶⁴ See *Table 15: States with Absentee/Mail Ballot Cure Processes*, NAT'L CONF. OF STATE LEGISLATURES (Aug. 31, 2026), <https://www.ncsl.org/elections-and-campaigns/table-15-states-with-signature-cure-processes> (copy on file with the Brennan Center for Justice).

⁶⁵ See *Election Certification Deadlines*, NAT'L CONF. OF STATE LEGISLATURES (Oct. 14, 2026), <https://www.ncsl.org/elections-and-campaigns/election-certification-deadlines> (copy on file with the Brennan Center for Justice).

are finalized in time for winning candidates to take their seats.⁶⁶

Together, these deadlines acknowledge the inherent difficulty in administering elections: timelines must serve administrative interests in ensuring that election procedures are completed promptly and in an orderly manner, while also allowing sufficient time for as many valid ballots as is possible to be cast and counted. Election deadlines such as the 90-Day Provision balance these goals by creating neutral, nondiscriminatory rules designed to facilitate fair and efficient election administration for candidates, parties, voter registration groups, election officials, and, most importantly, voters. The periodic cancellation of registrations permitted by H.B. 2243 is “precisely the type of systematic cancellation program that the 90-[D]ay Provision,” with its carefully constructed, neutrally applicable timeline, “was meant to preclude.” Pet.App.46a. The Ninth Circuit declined to disturb this carefully constructed election deadline. This Court should do so too.

⁶⁶ See generally *Election Certification Processes and Guardrails*, BRENNAN CTR. FOR JUST. (Oct. 13, 2026), <https://www.brennancenter.org/our-work/research-reports/election-certification-processes-and-guardrails> [<https://perma.cc/9CX6-YE8A>].

B. The 90-Day Provision Prevents Undue Costs and Confusion for Voters.

Without the neutrally applicable election administration deadline that the 90-Day Provision guarantees, Arizona could initiate a last-minute, systematic purge of its voter rolls that could lead to eligible voters being erroneously removed from the rolls before Election Day. Ample research demonstrates the harm that flows from such wrongful removals in the leadup to an election — remedying issues with one’s voter registration requires significant time and imposes substantial costs. Further, the mere possibility of status changes right before Election Day can deter voters from voting altogether.

First, the 90-day Provision prevents an eligible voter who is erroneously removed from being saddled with last-minute costs and hurdles to remedy the mistake in time for Election Day. Under Arizona’s documentary proof-of-citizenship requirement, a voter erroneously deemed not to be a citizen may need to provide a birth certificate, passport, naturalization certificate or number, or tribal identification. *See* A.R.S. § 16-166(F). And the process of obtaining such documents, as discussed *supra* §I, often requires navigating confusing government websites, completing detailed forms, and providing other forms of identification that may themselves be difficult to obtain. For those without internet access, reliable transportation, or flexible work schedules, even initiating the process can be a major hurdle. Indeed, many voters must take time off work or school to visit county or state offices,

which may be located far from home — particularly for those in rural areas or tribal lands. Courts have found persuasive survey estimates showing that, even without Election Day right around the corner, such documentation is burdensome, time-consuming, and costly for individual Americans.⁶⁷ In short, obtaining acceptable documents to establish citizenship costs money and takes substantial time — both of which may prove dispositive in determining whether a voter can cast a ballot in an impending election.

Second, research suggests that having to obtain these documents at the last minute undoubtedly affects voters' cost-benefit calculus. Voting costs reflect not only the direct financial costs of registration, but also the time and effort required to overcome barriers to participation. These costs are considerably higher for young people and students, as discussed *supra* §I.A.⁶⁸

Fears that one lacks the right document or may make a mistake in the process — fears that would be heightened under both H.B. 2243 and H.B. 2492 — can also deter voters from voting after an erroneous removal. Notably, an empirical analysis of North

⁶⁷ See *Veasey v. Abbott*, 830 F.3d 216, 254–56 (5th Cir. 2016) (collecting instances of voter burden and holding that district court did not err in finding voter ID law imposed significant and disparate burdens on the right to vote).

⁶⁸ JAN E. LEIGHLEY AND JONATHAN NAGLER, WHO VOTES NOW?: DEMOGRAPHICS, ISSUES, INEQUALITY, AND TURNOUT IN THE UNITED STATES (2013).

Carolina records found that a photo identification law deterred voters without state identification for more than two years *after* the law was repealed.⁶⁹ Such fears are particularly acute for younger voters, who may be voting in one of their first elections: “[S]tudents feel as though making a mistake with this governmental process could have dire consequences. Rather than risk messing up, they choose not to participate at all.”⁷⁰

In short, the NVRA’s 90-Day Provision, by foreclosing systematic removals before federal elections, serves as a neutral rule that prevents eligible voters from having to undertake the burdens and costs of correcting their registration at the last minute — or from being so discouraged or confused by a last-minute challenge that they skip voting altogether. It is designed to prevent precisely the types of last-minute, systematic removals that H.B. 2243 would allow. The Ninth Circuit’s decision below correctly honored that design.

⁶⁹ Justin Grimmer & Jesse Yoder, *The Durable Differential Deterrent Effects of Strict Photo Identification Laws*, 10 POL. SCI. RSCH. & METHODS 453 (2022).

⁷⁰ DJ Neri, Jess Leifer & Anthony Barrows, *Graduating Students into Voters: Overcoming the Psychological Barriers Faced by Student Voters*, IDEAS42 (Apr. 2016), https://www.ideas42.org/wp-content/uploads/2017/05/Students_into_Voters.pdf [<https://perma.cc/23CC-72FD>].

CONCLUSION

For more than 30 years, states across the country have implemented the commonsense safeguards at issue in this case: they have required voters to provide only essential information when they register to vote and, as elections approach, ensured voters are not wrongfully removed from the rolls. Congress struck a deliberate balance between the needs of states and voters when it designed these safeguards, and research demonstrates that they continue to be of vital importance. The Ninth Circuit correctly upheld Congress's protections, and *amici* respectfully urge this Court to affirm its decision.

Respectfully submitted,

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October 20, 2026

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**APPENDIX: COSTS OF OBTAINING FORMS OF
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Document	Sample costs
Birth certificate ¹	\$20: Cost of a certified copy of an Arizona birth certificate \$30: Cost of a corrected or amended copy
Naturalization certificate ²	\$555: Cost to order a replacement certificate
Passport ³	\$165: Cost for a passport book and facility fees for an adult applying for the first time or not eligible for renewal \$86.87: Expedited service fee
Driver's license or identification card ⁴	\$25: Cost of an Arizona travel driver's license or ID
Tribal identification	Varies. Some tribes issue cards to first-time applicants for free; ⁵ others charge for first-time cards and replacement cards. ⁶

¹ *Bureau of Vital Records Request for Copy of Birth Certificate*, Ariz. Dep't of Health Servs., <https://www.azdhs.gov/documents/vital-records/application-certificate-birth.pdf?v=20260831> [<https://perma.cc/DQD2-7DUB>] (last visited Oct. 16, 2026).

² *G-1055, Fee Schedule*, *supra* note 30.

³ *Passport Fees*, *supra* note 24.

⁴ *Fees (Driver License)*, Ariz. Dep't of Transp.: Motor Vehicle Div., <https://azdot.gov/mvd/services/driver-services/driver-license-information/fees-driver-license> (copy on file with the Brennan Center for Justice) (last visited Oct. 17, 2026).

⁵ *See, e.g., Enrolled Member Services*, Hopi Tribe, <https://www.hopi-nsn.gov/tribal-services/enrollment/enrolled-member-services/> [<https://perma.cc/K78S-FDA8>] (last visited Oct. 16, 2026).

⁶ *See, e.g., Request for Navajo Nation Identification Card*, *supra* note 41.