

Camden Kelliher
General Counsel
Election Assistance Commission

cc. Commissioner Donald Palmer, Chair, Election Assistance Commission
Commissioner Thomas Hicks, Vice-Chair, Election Assistance Commission

October 20, 2025

**RE: Request to Provide Public Comment on Petition for Rulemaking; Docket No.
EAC-2025-0236**

Dear Mr. Kelliher,

By notice issued on August 21, 2025, the Election Assistance Commission (EAC) has published a petition submitted by America First Legal Foundation for Rulemaking (hence, “the Petition,”) and accompanying request for comment, outlining civic concerns and potential sources of disruption that could stem from its implementation. **Hispanic Federation (HF)** respectfully submits the following comment in response to EAC request for comment on the petition for rulemaking, EAC Docket No. EAC-2025-0236; 2025-15930 (90 FR 40825).

1. Hispanic Federation Interest in Petition and Proposed Rulemaking

Hispanic Federation (HF) is a nonprofit membership and advocacy organization with a network of over 850 organizations across the country. HF is committed to empowering and advancing the Hispanic community, with a focus on low-income, marginalized, and immigrant Latinos. With programs in 40 states, Puerto Rico, the U.S. Virgin Islands, and the District of Columbia, HF’s focus areas include immigration, economic empowerment, civic engagement, disaster relief, philanthropy, education, health, and the environment. HF also maintains ongoing nonpartisan civic education drives and meets the organizational development needs of its member agencies through grant-making and capacity-building assistance.

Per EAC’s invitation to interested parties to submit relevant written data, views, or arguments on the Petition, we address here its predictably detrimental consequences on the ability for individuals and groups to facilitate voter registration, as well as the plausible result that these consequences would fall disproportionately upon rural communities, minority groups, married women, and working families. We also note that the breadth of anticipated disruptions far

exceeds any potential problems they would address. As such, Hispanic Federation ultimately urges the EAC to dismiss the Petition.

2. The Proposals under Consideration would Interfere in Standard Civic Engagement

Hispanic Federation relies on the federal voter registration form at in-person events with out-of-state attendees because people from various states attend those events, and any eligible voter from any state may use the federal voter registration form. We use the federal voter registration form during campaigns at events with many out-of-state attendees, like sporting events in New Jersey, a Broadway event in New York City, and events in Charlotte. This form allows us to give the same voter registration form to every attendee, without attempting to distinguish between residents of different states, which would be impracticable.

For instance, earlier this year, Hispanic Federation launched a voter registration campaign in Charlotte, North Carolina, which at times utilized the federal voter registration form as our teams encountered out-of-state voters who live in South Carolina but work in Mecklenburg County, North Carolina. If the federal voter registration form were modified to require documentary proof of citizenship, running voter registration campaigns at events with out-of-state participants would become too burdensome to reasonably implement. As such, were the proposals put forward by this petition to be implemented, organizations like Hispanic Federation would be faced with an unreasonable barrier to civic engagement work. Community-driven nonprofit organizations like Hispanic Federation do not have the infrastructure to collect documentary proof of citizenship from the people whom they help to register to vote. Likewise, our teams do not have the expertise to evaluate the legitimacy of various forms of identification. It is the work of the government to verify identification documents, and it is unfeasible to require our staff to demand identification and ascertain its legitimacy. Turning away out-of-state voters is against our mission, but we cannot risk liability by undertaking a proof-of-citizenship verification process.

If the petition's proposals were to be implemented, then Hispanic Federation would have to immediately suspend all voter registration work, determine which training materials and other guidance on the federal voter registration form need to be updated, then retrain our staff, canvassers, subgrantees, and other community-based partners on federal voter registration requirements. This overhaul of our materials and curriculum on the federal voter registration process, including scripts and frequently asked questions for canvassers, would need to be completed before we resume voter registration operations. We would also have to undertake a massive voter education campaign to notify our community about the new documentary proof-of-citizenship requirements. Hispanic Federation is one of countless groups across the country whose civic engagement work would be negatively impacted in this way.

3. The Proposals of the Petition are Unnecessary and Burdensome

The petition under consideration would require registrants to vote using the federal voter registration form to provide one of a U.S. Passport, a State-issued Real ID-compliant driver's

license indicating that the applicant is a citizen, an official military identification card that indicates the applicant is a citizen of the United States, or a valid Federal or State government-issued photo identification if such identification indicates that the applicant is a United States citizen or if such identification is otherwise accompanied by proof of United States citizenship. It is noteworthy that these provisions would not even permit birth certificates to stand as proof of citizenship, despite their being the most common means of citizenship verification in the U.S.¹ This oversight would only exacerbate the financial and regulatory burden the Petition's proposals would place upon the public.

Furthermore, it is not only the public that would face unjustifiably increased costs and regulatory burdens stemming from this order, but state and local governments as well. Elections across the United States are, of course, administered by individual states, typically at the county level.² In turn, the burden of implementing the Petition's terms would fall upon states. Without dedicated Congressional action, these terms would result in an unfunded mandate, straining already stretched state and local budgets.³ Furthermore, in pointed defiance of recent legislative proposals that seek similar ends, the Petition permits no alternative verification methods, timeline, or common use exceptions which states might pursue to address cases in which individuals cannot provide documentary proof of citizenship, a likely outcome for millions of Americans. These individual, state, and local burdens would be imposed solely for the sake of imposing punitive restrictions on top of an already tightly controlled electoral environment.

In point of order, it is and has been illegal for noncitizens to vote in federal elections in the U.S. for many decades.⁴ Furthermore, the National Voter Registration Act of 1993 empowered the federal government to require certain information to register for federal elections, which at present includes a question affirmatively declaring U.S. citizenship under penalty of perjury, alongside a signature.⁵ In turn, noncitizen voter registration is rare, and typically happens by accident.⁶ Furthermore, as noncitizen voting is itself a crime, incidents of noncitizen voting remain even less common,⁷ and violators of the statute are typically identified swiftly.⁸ Noncitizen voting constitutes a crime that can lead to deportation, so it's readily comprehensible why noncitizens would avoid falling afoul of the statutes at all costs.

We see then several flaws and challenges intrinsic to the proposals put forward under the petition. First and foremost, it's a solution in search of a problem – essentially imposing greater burdens on all U.S. citizens seeking to register to vote solely to provide additional checks against an action that is not only already a crime, but a “vanishingly rare” one that is readily caught.

¹ <https://www.uscis.gov/sites/default/files/document/guides/A4en.pdf> (Accessed 10/8/25.)

² <https://www.eac.gov/who-is-in-charge-of-elections-in-my-state> (Accessed 10/8/25.)

³ <https://www.pew.org/en/research-and-analysis/articles/2025/07/10/states-tread-carefully-with-budgets-as-gaps-and-revenue-uncertainty-loom> (Accessed 10/9/25.)

⁴ <https://bipartisanpolicy.org/blog/five-things-to-know-about-the-save-act/> (Accessed 10/20/25.)

⁵ <https://www.snopes.com/news/2025/02/13/save-act-women-voting/> (Accessed 10/20/25);

<https://crsreports.congress.gov/product/pdf/IF/IF12902> (Accessed 10/20/25).

⁶ <https://www.axios.com/2024/03/30/no-big-wave-immigrants-voting-illegally-trump> (Accessed 10/20/25.)

⁷ <https://abcnews.go.com/US/election-fact-check-noncitizens-vote-instances-vanishingly-rare/story?id=115025674> (Accessed 10/20/25.)

⁸ <https://www.axios.com/2024/03/30/no-big-wave-immigrants-voting-illegally-trump> (Accessed 10/20/25.)

There are plenty of circumstances that can lead someone to having to (re)register to vote, including moving, newly-weds who can their name and have to submit a name change form, anyone else who has their name legally changed, and those newly of age to vote. Research conducted by the Brennan Center suggests approximately 22 million people, roughly 9% of the electorate, lacking ready access to documentation with their current name proving citizenship, and another almost 4 million lacking them entirely owing to lack of possession.⁹ These figures represent a substantial portion of the US electorate that would be routinely inconvenienced by this legislation – possibly to the point of disenfranchisement.

Indeed, this very problem emerged in Kansas and Arizona both when those states implemented legislation with statutes similar to those the petition advances. In 2020, courts ruled that a similar Kansas law led to “hundreds” of eligible voters being barred from registration for lacking proper documentation, even in the face of minimal evidence of a problem. The Supreme Court refused to hear a challenge from Kansas’ then-Secretary of State Kris Kobach to appellate rulings striking down the law, leaving it judicially eliminated.¹⁰ Similarly, in the run-up to the 2024 elections, a new Arizona law would have led to the disenfranchisement of almost 100k Arizonans whose citizenship had not been fully confirmed, leading the state’s Supreme Court to temporarily grant them access to the full ballot.¹¹

One final point of consideration is the cost in both administrative time, citizen effort, and bureaucratic costs the legislation would entail. Voter registration would now require several affirmative steps of document verification and mandated information-sharing, as well as time spent preparing proof-of-citizenship documents by eligible prospective voters. These systems would definitionally increase bureaucratic overhead, costing taxpayers money while jeopardizing registration for millions of eligible citizen-voters to impose further barriers before something that’s already a crime.

4. Scope of Impact

Latino voters face disproportionate barriers to possessing documentary proof of citizenship. For example, in 2010, the Puerto Rican government invalidated the birth certificates of all persons born in Puerto Rico before July 1, 2010. In turn, the loss of that documentation has imposed a further barrier toward securing the type of documentation the Petition calls for. Furthermore, as currently envisioned, implementation of the Petition would constitute an illegal and unconscionable poll tax – and one far more severe than other recent proposals in prohibiting birth certificates from serving as documentation of eligibility, ultimately hindering ballot access to working families across the country.¹² As the Hispanic community, and Latinas in particular, face economic obstacles that contribute to disproportionate economic challenges, the burden of

⁹ <https://www.snopes.com/news/2025/02/13/save-act-women-voting/> (Accessed 10/20/25.)

¹⁰ <https://apnews.com/article/kansas-noncitizen-voting-proof-of-citizenship-50d56a0b8d1f0fde15480aab3db67f4f> (Accessed 10/20/25.)

¹¹ <https://apnews.com/article/arizona-voter-citizenship-proof-elections-court-15703fd0ee76359af0eb1b7539df1cc7> (Accessed 10/20/25.)

¹² <https://www.newsweek.com/save-act-warning-poll-tax-2041208> (Accessed 10/9/25.)

this poll tax would fall upon Latinos to a greater extent than other demographic groups, potentially constituting illegal racial discrimination.

Furthermore, rural communities nationwide would face steeper challenges in meeting the documentary requirements put forward by the Petition than their suburban or urban peers, regardless of racial or ethnic demographic. Rural communities across the U.S. struggle in the face of deepening legal deserts, which extend from public notarial services to disconnections from major bureaucratic hubs.¹³ Consequently, rural Americans are more reliant upon digital services for civic engagement – including voter registration.¹⁴ With decreased access to not only the legal services required to verify identity but also to have identities converted into acceptable forms of verification, the Petition’s terms would sharply curtail ballot access across rural America. In addition to imposing incredible burdens on would-be voters, adding additional and unnecessary documentation requirements to the federal form would violate federal law. The National Voter Registration Act (NVRA) spells out the requirements for the content of the federal voter registration form, permitting the form to require “only such identifying information” that is “necessary” to determine eligibility to register. The NVRA requires attestation under the penalty of perjury that the registrant is a U.S. citizen. It does not require, or permit, separate documentation of citizenship.

Nor is there any factual basis for adding additional and unnecessary documentation requirements, like a passport, for voter registration. Federal law prohibits non-citizens from voting in federal elections, and the federal form already requires applicants to swear under penalty of perjury that they are U.S. citizens. The Petition claims that these requirements are “inherently inadequate” is contradicted by the fact that non-citizen voting is practically non-existent. States already have laws and practices in place that effectively ensure only American citizens vote and the data shows that these safeguards are working. For example, Louisiana recently performed an audit of election records going back to the 1980s. In reviewing over 40 years of election records, the state identified only 390 people who *may* not be citizens on the state’s voter rolls, with only 79 of those having cast a ballot in nearly half a century.¹⁵ Over that same period, experts estimate that at least 74 million votes were cast in the state. Similarly, a 2024 audit by the Georgia Secretary of State found only 20 noncitizens on the voter rolls, out of 8.2 million registered voters in the state, demonstrating the effectiveness of existing laws and safeguards.¹⁶ Reducing error rates in bureaucratic processes becomes increasingly intensive as the targeted rate decreases; with rates of noncitizen voter registration already miniscule, those costs would be proportionately elevated. Hispanic Federation contends that the bureaucratic costs and civic disruption stemming from the proposals advanced in the petition far outstrip the scope of problem the Petition seeks to resolve.

¹³ <https://www.urban.org/sites/default/files/2023-05/The%20Geography%20of%20Notaries%20Public.pdf> (Accessed 10/9/25); <https://southernagtoday.org/2024/02/23/confronting-legal-deserts-in-rural-america/> (Accessed 10/9/25.)

¹⁴ <https://www.aspenccsg.org/supporting-ballot-access-in-rural-communities/> (Accessed 10/9/25.)

¹⁵ <https://lailuminator.com/2025/09/04/louisiana-election-investigation-finds-79-noncitizens-have-voted-since-1980s/> (Accessed 10/8/25.)

¹⁶ <https://georgiarecorder.com/briefs/georgia-gop-secretary-of-state-reports-audit-found-20-noncitizens-registered-to-vote-out-of-8-2m/> (Accessed 10/8/25.)

Courts and the Election Assistance Commission (EAC) have validated these concerns, rejecting some similar proposals. For instance, the EAC has already rejected multiple attempts to graft requiring documents like a passport or birth certificate onto the federal voter registration form, recognizing that doing so would both contravene federal law and block countless eligible American citizens from voting.¹⁷ There is no new evidence or legal change to justify reversing that longstanding position. Instead, the Petition, if implemented, would only be poised to impose bureaucratic and financial restrictions between tens of millions of Americans and their Constitutional right to vote. In lieu of any documented change in the underlying legal or economic conditions, the Petition should be rejected.

5. Hispanic Federation Serving Civic Engagement Initiatives

Hispanic Federation and its network have been provided civic engagement programming to the Latino community for decades through initiatives ranging from culturally relevant and linguistically competent nonpartisan policy information to voter registration support. As an umbrella organization, Hispanic Federation and our network have a proven track record of designing and launching national, state-wide, and locally focused civic engagement initiatives, including educational campaigns on electoral processes, voter registration drives, and civic support hotlines. Programs include:

- *La Voz de Mi Gente*: In 2022, HF launched *La Voz de Mi Gente*, a nonpartisan campaign to register and mobilize millions of Latino voters through cultural and linguistically competent campaigns. *La Voz de Mi Gente* also aims to uplift the voices of our communities by helping local organizations build their capacity to engage the Latino community in the civics process.
- *Get Out the Vote*: Our nonpartisan Get Out The Vote (GOTV) campaigns focus on providing timely, culturally competent information to voters so they can make an informed decision at the polling booth. Through in-person efforts, digital campaigns, remote outreach, and community partnerships, our team finds ways to engage and mobilize the Latino community.
- *Hispanic Federation Hotline*: Through our continually monitored hotline, dedicated Hispanic Federation staffers are able to provide direct support to individuals seeking information on how to register to vote, what the voting process is like, when elections are scheduled to be held, and more. This hotline provides community members with access to real time support on often complex or unfamiliar processes, delivered by culturally competent and linguistically relevant interlocutors.

¹⁷ <https://www.brennancenter.org/sites/default/files/legal-work/129-1%20Memorandum%20of%20Decision.pdf?inline=1>
(Accessed 10/9/25.)

6. Conclusion

The Petition proposes a series of alterations to voter registration procedures governed by the NVRA that have been perennially proven to be unnecessary, costly, and disruptive. Its terms would implement a highly restrictive version of cumbersome citizenship verification, denying even the authority of birth certificates, leading to the plausible disenfranchisement of tens of millions of Americans, including married women, military servicemembers, minorities, and working families. Hispanic Federation has served on the frontlines of nonpartisan civic engagement, including voter registration, for decades, and our teams are well familiar with the common obstacles eligible voters face in registering to vote. The proposals underlying the Petition would exacerbate virtually all of these, likely by illegal or unconstitutional pathways. Consequently, we strongly encourage the Election Assistance Commission to dismiss the Petition.

Sincerely,

Julietta Lopez

Julietta Lopez
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Hispanic Federation