

SECOND EDITION

# THE BIG LIE

## AKA LA GRAN MENTIRA

Exposing Anti-Immigrant Election Lies

LULAC ☆ DEMOCRACY DEFENDERS ACTION

*By Juan Proaño, Norman Eisen, Andrew Warren,  
Gabriel Lezra, Jonathan Barry-Blocker and Diamond Brown*



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## ***EXPOSING ANTI-IMMIGRANT ELECTION LIES***

SECOND EDITION, MARCH 2026

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# I. EXECUTIVE SUMMARY

It has been more than a year since we published the first version of this report focusing on The Big Lie that the 2020 election was stolen from Donald Trump. That report also highlighted the Second Big Lie—“*La Gran Mentira*”—an insidious myth President Trump rolled out for the 2024 presidential election centered on false claims that millions of noncitizens are voting—poisoning our politics, and harming our country. In the lead up to the 2026 midterm elections, President Trump is again deploying the Second Big Lie to justify legislation that would create new obstacles for eligible citizens from marginalized communities to register and vote at the polls. President Trump has gone so far as to refuse to sign any new bills while in office until this onerous new legislation is passed.<sup>1</sup>

*La Gran Mentira* is a sad reboot of a very old story in U.S. politics: attacking communities of color to suppress their vote. In this case, the narrative’s power is rooted in denigrating American Latinos regardless of citizenship: the falsehood around who is coming into this country and what they are doing. But, as we explain, the incidence of ineligible persons voting is vanishingly small. Claims to the contrary are legally indefensible, unsupported by reliable evidence, and widely debunked by scholars, experts, and election officials from across the political spectrum, including conservative institutions’ own data. An analysis conducted by the Heritage Foundation revealed only 68 instances of non-citizens voting between 1999 and 2023.<sup>2</sup> And the Cato Institute asserts the percentage of non-citizens registering to vote, much less voting, is nearer to zero.<sup>3</sup>

**In this update, we have added a new [Section V](#) where we discuss key policies of the Safeguarding American Voter Eligibility (“SAVE”) Act, and its latest iteration, the SAVE America Act, which has become the central piece of legislation created and advanced by President Trump and his allies—and, if enacted, would disparately impact and even silence minority voting groups.<sup>4</sup> We also discuss his unsuccessful attempts to unilaterally impose these measures through executive order and his unlawful attempts to seize voter rolls in Minnesota and 28 other states through his Department of Justice under Attorney General Pam Bondi.**

The rest of the report retains much of our report’s original content, including [Section II](#) where we explain the legal framework that unequivocally prohibits ineligible people from voting. This regime is an overlapping array of federal criminal statutes and immigration laws that criminalize and deter illegal voting and voter registration. The report discusses how state and federal election security provisions create a multi-layered series of checks that further strengthen those federal protections, including, for example, by state verification of voter identity through national databases.

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1 Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL, (Mar. 8, 2026), <https://truthsocial.com/@realDonaldTrump/posts/116193527873859174>.

2 Aaron Reichlin-Melnick, Unpacking Myths About Noncitizen Voting—How Heritage Foundation’s Own Data Proves It’s Not a Problem, AMERICAN IMMIGRATION COUNCIL (Aug. 1, 2024), <https://www.americanimmigrationcouncil.org/blog/myths-about-noncitizen-voting-heritage-foundation-data/>.

3 Walter Olson, Shedding Light on the Incidence of Illegal Noncitizen Voting, CATO INSTITUTE (May 22, 2024), <https://www.cato.org/blog/shedding-light-incidence-illegal-noncitizen-voting>.

4 [SAVE America Act](#), H.R. 7296, 119th Cong. The SAVE America Act is one version of various SAVE Act documentary proof of citizenship bills, including the original SAVE Act ([H.R. 22](#)), the SAVE Act in the Senate ([S. 128](#)), and the Make Elections Great Again (“MEGA”) Act ([H.R. 7300](#)). For purposes of this report, we will use “SAVE Act” to refer to this collection of policies. *See also* Eliza Sweren-Becker & Owen Bacskai, New SAVE Act Bills Would Still Block Millions of Americans From Voting, BRENNAN CTR. FOR JUST. (Feb. 27, 2026), <https://www.brennancenter.org/our-work/analysis-opinion/new-save-act-bills-would-still-block-millions-americans-voting>; and NATIONAL CONFERENCE OF STATE LEGISLATURES, 9 Things to Know About the Proposed SAVE America Act (Feb. 19, 2026), <https://www.ncsl.org/state-legislatures-news/details/9-things-to-know-about-the-proposed-save-america-act>.

The system of legal safeguards, while extensive, is not perfect. But as discussed in [Section III](#) the data shows it works extremely well: investigations and audits by state agencies, independent researchers, and media organizations show that there is only a miniscule amount of ineligible immigrants registering to vote, with an even smaller amount who actually vote. In sum: the data unequivocally demonstrates that this quantity of votes is so trivial that it has zero consequence in election outcomes.

[Section IV](#) covers the Second Big Lie, tracing Trump's history of false claims about immigrants before summarizing how his allies have followed suit.

Finally, [Section VI](#) offers a range of real solutions, including legislation, media and public information, voter outreach, legal avenues and other approaches. In proposing actionable solutions to combat disinformation about ineligible voters, this report seeks to provide templates to push back against this false and dangerous narrative. In so doing, we aim to help safeguard confidence in our elections, in 2026 and beyond.

## II. THE LAW ON VOTING ELIGIBILITY BY CITIZENSHIP

The law on citizenship requirements for voting is unequivocal: only United States citizens are eligible to vote in federal and state elections.<sup>5</sup> Voting eligibility requirements are determined by state law, in accordance with the U.S. Constitution, particularly the Equal Protection Clauses of the 14th and 15th Amendments, which prevent discrimination against any class of citizen. And all states, in their constitutions and their legal codes, prohibit noncitizens from voting in federal elections—just as they have for the last hundred years.<sup>6</sup>

This section discusses three mechanisms that prevent ineligible people from voting: (1) federal criminal statutes;<sup>7</sup> (2) immigration law deterrence,<sup>8</sup> and (3) other federal and state-level measures.<sup>9</sup>

### A. FEDERAL CRIMINAL STATUTES

There are multiple federal criminal statutes that create citizenship requirements for voting and other broader statutes that could be used to prosecute violations.

In 1996, the U.S. Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”), which, in relevant part, creates citizenship requirements for voting in federal elections. [18 U.S.C. § 611](#). Violation of this provision is a general intent crime: that is, while the offender must know that they are not a U.S. citizen, they need not know that their voting is illegal.<sup>10</sup> A violation is a Class A misdemeanor, punishable by a fine of up to \$100,000, one year in prison, or both.<sup>11</sup>

The IIRIRA also criminalizes knowingly making false statements of citizenship in order to vote or register to vote. [18 U.S.C. § 1015\(f\)](#). Unlike Section 611, Section 1015(f) is directed at the act of the misrepresentation, rather than the act of voting, and it applies to all elections—federal, state, and local—as well as to initiative, recalls, and referenda. Section 1015(f) is a specific intent offense, meaning the offender must know their actions were illegal.<sup>12</sup> Prosecutorial guidance from the Department of Justice explains, “all states (but not all local jurisdictions) require United States citizenship as a prerequisite for voting; and, under the NVRA, all states must make this citizenship requirement clear, and prospective registrants must sign applications under penalty of perjury attesting that they meet this requirement.”<sup>13</sup> Therefore, false representations of citizenship in any state in connection with voting can be demonstrated as willful in violation of Section 1015(f). A violation is a felony, punishable by a fine of up to \$250,000, five years in prison, or both.<sup>14</sup>

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5 Noncitizen voting is permitted in a small number of local elections in three states. As of September 2024, certain jurisdictions in California, Maryland, and Vermont, permit noncitizen voting in local elections only, as does the District of Columbia. Laws permitting noncitizens to vote in the United States, [BALLOTPEDIA, https://ballotpedia.org/Laws\\_permitting\\_noncitizens\\_to\\_vote\\_in\\_the\\_United\\_States](https://ballotpedia.org/Laws_permitting_noncitizens_to_vote_in_the_United_States).

6 RON HAYDUK, *DEMOCRACY FOR ALL: RESTORING IMMIGRANT VOTING RIGHTS IN THE UNITED STATES, THE RISE AND FALL OF IMMIGRANT VOTING IN U.S. HISTORY: 1776 TO 1926* 15, 35 (Routledge Taylor & Francis Group eds., 2006), [https://www.nypl.org/sites/default/files/hayduk\\_-\\_chapter\\_2.pdf](https://www.nypl.org/sites/default/files/hayduk_-_chapter_2.pdf); see also Virginia Harper-Ho, *Noncitizen Voting Rights: The History, the Law and Current Prospects for Change*, 18 *Minn. J. of Law & Inequality* 271, 282 (2000); and Arturo Castellanos Canales, *The Right of Suffrage of Shosics (Noncitizens) in the United States* (2020) (Ph.D. dissertation, Cornell University) (on file with Cornell University Library), <https://ecommons.cornell.edu/items/aba4ef6d-6d02-4224-934f-231f3e010575>.

7 See, e.g., [18 U.S.C. § 611](#), [18 U.S.C. § 1015\(f\)](#); [52 U.S.C. § 211444\(b\)](#); [52 U.S.C. §§ 20511\(2\)](#).

8 See [8 U.S.C. § 1182\(a\)\(10\)\(D\)\(i\)](#).

9 See Section II.C.

10 Section 611 offers an exception if “the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the United States.” 18 USC 611(c)(3). U.S. DEP’T OF JUSTICE, *FEDERAL PROSECUTION OF ELECTION OFFENSES 63* (Richard C. Pilger ed., 8th ed. 2017), <https://electionjudgments.org/api/files/15950091773541o6uhighakw.pdf>.

11 18 U.S.C. § 3571(b)(5).

12 U.S. DEP’T OF JUSTICE, *FEDERAL PROSECUTION OF ELECTION OFFENSES 61* (Richard C. Pilger ed., 8th ed. 2017), <https://electionjudgments.org/api/files/15950091773541o6uhighakw.pdf>. See also 18 U.S.C. § 1015(f).

13 U.S. DEP’T OF JUSTICE, *FEDERAL PROSECUTION OF ELECTION OFFENSES 63* (Richard C. Pilger ed., 8th ed. 2017), <https://electionjudgments.org/api/files/15950091773541o6uhighakw.pdf>.

14 18 U.S.C. §§ 3571, 1015(f).

In 2002 Congress reiterated its clear intention to prohibit false statements or claims of U.S. citizenship in connection with voting as prohibited by Section 1015(f). The Help America Vote Act (“HAVA”) specifies that, “Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of Title 18 shall be fined or imprisoned, or both, in accordance with such section.” [52 U.S.C. § 211444\(b\)](#).

Another applicable federal statute that helps ensure citizen requirements for voting is the National Voter Registration Act of 1993 (“NVRA”). [52 U.S.C. §§ 20511\(2\)](#). Passed three years before the IIRIRA, the NVRA prohibits the submission of voter registration applications, or casting of ballots, that are known to be materially false, fictitious, or fraudulent under state law.<sup>15</sup> Like Section 1015 of the HAVA, Section 20511 of the NVRA targets false statements made in connection with voting or registering to vote. Section 20155 compliments the narrower Section 1015 by encompassing any false statement, not just false claims of citizenship. A violation of Section 20511(2) is a felony, punishable by a fine of up to \$250,000, five years in prison, or both.<sup>16</sup> Additionally, the NVRA allows the Department of Justice’s Voting Section of the Civil Rights Division, or even a private citizen, to bring a civil action for declaratory or injunctive relief to enforce its provisions. [52 U.S.C. § 20510](#).

Another complimentary statute to Section 1015(f) is [18 U.S.C. § 911](#), which makes it a crime to knowingly and willfully make a false assertion of U.S. citizenship. Unlike Section 1015(f), Section 911 does not require the false claim of citizenship to be made in order to vote or to register to vote. Rather, it is a broader statute that prohibits false statements of citizenship made willfully, that is with knowledge that the conduct is illegal. For example, it criminalizes statements of citizenship with regard to obtaining a driver’s license that is not directly connected with voting or voter registration. A violation of Section 911 is a felony, punishable by a fine of up to \$250,000 three years in prison, or both.<sup>17</sup>

Section 11(c) of the Voting Rights Act of 1965 (VRA) provides further protection by prohibiting knowingly or willfully giving false information—namely, name, address, and period of residence in the voting district—for the purpose of establishing voting eligibility, conspiring to encourage falsifying voter registration information or illegal voting, or paying/accepting payment for voting. [52 U.S.C. § 10307\(c\)](#). Section 10307(c) expands the prohibitions in Section 1015(f) against false statements regarding citizenship to any false information in order to establish voting eligibility. Section 10307(c) applies only to federal elections, but it covers conspiring with others to encourage false registration or voting. A violation of Section 10307(c) is a felony, punishable by a fine of up to \$10,000, five years in prison, or both.<sup>18</sup>

Lastly, [18 U.S.C. § 1001](#) is a broad federal statute that criminalizes making false statements or concealing information in any matter within the jurisdiction of the federal government. In the context of elections, making a false statement regarding voter registration (such as falsifying citizenship status) could fall under this statute if the false statement is material and the registration is connected to a federal election. Violations of this statute can result in fines, imprisonment for up to five years, or both.<sup>19</sup>

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15 U.S. DEP’T OF JUSTICE, FEDERAL PROSECUTION OF ELECTION OFFENSES.

16 18 U.S.C. §§ 3571, 20511, 1015(f).

17 18 U.S.C. §§ 3571, 911.

18 52 U.S.C. § 10307(c).

19 18 U.S.C. § 1001.

## B. IMMIGRATION LAW DETERRENCE

In addition to the various criminal statutes, several stringent federal legal provisions help ensure that only citizens vote. These laws, under the Immigration and Nationality Act (INA), carry serious implications for individuals who violate them—up to and including deportation.<sup>20</sup> The strictness of these laws is evident in their application, where a noncitizen’s lack of knowledge about the unlawfulness of their actions is not necessarily a defense.

The Immigration and Nationality Act (INA) renders noncitizens “inadmissible” if they vote in elections in violation of the law, meaning they become ineligible for visas or entry into the United States. [8 U.S.C. § 1182\(a\)\(10\)\(D\)\(i\)](#). While Section 1182 seems to only apply to those who have actually voted (in violation of Section 611), guidance from the United States Citizenship and Immigration Services (USCIS) makes clear that false claims to citizenship in order to vote under 1015(f) may also lead to inadmissibility.<sup>21</sup> Section 1182 does not require a person to be convicted of the criminal offense, nor is evidence of a crime required.<sup>22</sup> The triggering clause is simply that the person voted illegally: which means someone ineligible who votes but does not commit a crime because they did so without the predicate knowledge or willfulness can still be found in violation of Section 1182—and thus deemed ineligible for entry into the United States.

The INA permits deportation of those who vote in violation of federal or state law. [8 U.S.C. § 1227\(a\)\(6\)\(A\)](#). This provision applies to those who have actually voted and to those who have made false claims of citizenship in order to vote.<sup>23</sup>

## C. ELECTION INTEGRITY SAFEGUARDS

Federal law includes several measures that safeguard our elections, including by ensuring citizenship requirements for voting, such as the National Voter Registration Act of 1993 and the Help America Vote Act of 2002. The NVRA and HAVA provide the foundational framework for election integrity, and are bolstered by a series of state-led initiatives and state-specific protections—including, for instance, supplemental verification procedures in some states, and additional cross-state collaborations, all of which enhance the security of their voter registration systems.

As outlined by the National Council of State Legislatures, states verify voter identities by cross-referencing federal databases, such as the Social Security Administration and the U.S. Postal Service’s National Change of Address system, with state databases like those in departments of motor vehicles records (which include daily updates in some states like Colorado), and vital statistics or health departments records. At least nine states cross-check voter lists with those who requested jury dismissal due to noncitizen status, including Arizona, Georgia, North Carolina, and Texas.<sup>24</sup> Twenty-four states and the District of Columbia participate in the Electronic Registration Information Center (“ERIC”), a collaborative digital infrastructure that allows state officials to cross-check and compare voter rolls across state lines, helping ensure that voter lists are accurate, up-to-date, and free of duplicates.<sup>25</sup> Meanwhile, states like Virginia and Mississippi

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20 Violations can also result in harm to visa applications and immigration status, and can potentially stop naturalization efforts.

21 Policy Manual, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/policy-manual/volume-8-part-k-chapter-2>.

22 8 U.S.C. § 1182.

23 8 U.S.C. § 1227(a)(6)(A), (a)(3)(D)(i).

24 National Conference of State Legislatures, Voter Registration List Maintenance, <https://www.ncsl.org/elections-and-campaigns/voter-registration-list-maintenance> (Oct. 21, 2025); *see also* VOTING RIGHTS LAB, THE TRUTH ABOUT FALSE CLAIMS OF NONCITIZEN VOTING (March 13, 2024), <https://votingrightslab.org/2024/03/13/analysis-the-truth-about-false-claims-of-noncitizen-voting/>; Julianne Lempert, *et al.*, Five Things to Know About the SAVE Act, BIPARTISAN POLICY CTR. (July 10, 2024), <https://bipartisanpolicy.org/blog/five-things-to-know-about-the-save-act/>.

25 Membership in Electronic Registration Information Center (ERIC), MOVEMENT ADVANCEMENT PROJECT, [https://www.mapresearch.org/democracy-maps/membership\\_in\\_electronic\\_registration\\_information\\_center\\_eric](https://www.mapresearch.org/democracy-maps/membership_in_electronic_registration_information_center_eric).

utilize information from the federal Systematic Alien Verification for Entitlements Program (the “SAVE Program”),<sup>26</sup> while Tennessee draws on data collected by its statewide Department of Safety and Homeland Security.<sup>27</sup>

This is a very robust system that includes repeated checks to ensure that only eligible Americans are registering or managing to vote. As USCIS has emphasized, applications for driver’s licenses, ID cards, or other benefits, which allow voter registration, typically include explicit citizenship questions and warnings advising noncitizens not to register, as do voter registration forms. USCIS is unequivocal in this respect: “Because of these safeguards, ineligible voters are generally not registered to vote.”<sup>28</sup>

## **1. THE NATIONAL VOTER REGISTRATION ACT OF 1993**

In 1993, Congress passed the NVRA, a major piece of civil rights legislation to combat “discriminatory and unfair registration laws” that harm Black and Brown communities by increasing, “the number of eligible citizens” registered for federal elections, while ensuring that federal, state, and local governments implement procedures to “enhance participation,” “protect the integrity of the electoral process,” and to maintain “accurate and current” voter rolls.<sup>29</sup>

In addition to combatting laws making it harder for Black and Brown Americans to register to vote, the NVRA also helps ensure that only eligible citizens can register to vote in federal elections.<sup>30</sup> It limits methods of identification for registering to vote,<sup>31</sup> requires states to make clear to all voters the eligibility requirements and the penalties for submitting false voter registration applications,<sup>32</sup> and mandates that states complete a systematic removal of ineligible voters from the official voter rolls no later than 90 days prior to the primary election or general election for federal office.<sup>33</sup> The NVRA empowers the Department of Justice to monitor states’ compliance with its requirements and conduct investigations in instances of suspected noncompliance.<sup>34</sup>

## **2. THE HELP AMERICA VOTE ACT OF 2002**

The HAVA includes provisions for maintaining accurate voter rolls and removing ineligible voters by introducing measures aimed at improving the accuracy of voter registration systems.<sup>35</sup> The HAVA also requires states to maintain centralized voter registration databases (VRDBs), which are designed to streamline list maintenance efforts and remove ineligible voters.<sup>36</sup> This includes, for instance, requiring voters to provide a valid driver’s license or the last four digits of their Social Security number when registering to vote—and those without such identification, are assigned a unique identifier.<sup>37</sup> The HAVA also mandates that

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26 Va. Dep’t of Elections, Annual List Maintenance Report September 1, 2023 – August 31, 2024 at 4, <https://www.elections.virginia.gov/media/formswarehouse/maintenance-reports/2024-Annual-List-Maintenance-Report.pdf>; see also Va. Dep’t of Elections, List Maintenance Sources and Processing Frequency, <https://www.brennancenter.org/sites/default/files/2024-02/VAlistmaintenance.pdf>; Miss. Dep’t of Public Safety, Non-US Status Verification, [https://www.driverservicebureau.dps.ms.gov/Security/Non\\_US\\_Status\\_Verification](https://www.driverservicebureau.dps.ms.gov/Security/Non_US_Status_Verification).

27 Tenn. Gen. Assembly, HB 0385 (Tn. 2024), <https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB0835&GA=113>.

28 Policy Manual, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, <https://www.uscis.gov/policy-manual/volume-12-part-f-chapter-5>.

29 52 U.S.C. § 20501.

30 *Id.*

31 52 U.S.C § 20503(a). See also 52 U.S.C. § 20504 - Simultaneous application for voter registration and application for motor vehicle driver’s license.

32 52 U.S.C. § 20507(a)(5).

33 *Id.* at § 20507(c)(2)(A).

34 See generally The National Voter Registration Act Of 1993 (NVRA), CIVIL RIGHTS DIVISION, U.S. DEP’T OF JUSTICE, <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

35 See generally The Help America Vote Act of 2002 (HAVA): An Overview, CONGRESSIONAL RESEARCH SERVICE, <https://sgp.fas.org/crs/misc/IF12033.pdf> (last updated Sept. 28, 2022).

36 *Id.*

37 *Id.*

states cross-check voter registration data with other state and federal databases to confirm eligibility, such as matching records with the Social Security Administration and state motor vehicle agencies. Furthermore, the law introduced stricter documentation requirements for first-time voters who register by mail, helping to prevent fraudulent registrations.<sup>38</sup>

Like with the NVRA, the Department of Justice is tasked with enforcing the HAVA's federal requirements by bringing civil suits for violations.<sup>39</sup> And, as noted above, the HAVA also grants private citizens the ability to seek redress for violations.<sup>40</sup>

### **3. THE REAL ID ACT OF 2005**

As part of its ongoing effort to secure American elections, Congress passed the Real ID Act of 2005, which compliments the NVRA and HAVA by establishing minimum security standards for state-issued identification, such as driver's licenses and ID cards. For instance, one of its key provisions mandates states verify an individual's immigration or citizenship status before issuing a Real ID-compliant identification card.<sup>41</sup> This verification process helps prevent noncitizens from obtaining the types of identification needed for voter registration, adding an extra layer of security against a noncitizen who tries to use fraudulent documentation to register to vote.

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38 *Id.*

39 52 U.S.C § 21111.

40 52 U.S.C § 21112.

41 REAL ID Frequently Asked Questions, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/real-id/real-id-faqs>.

# III. THE DATA: ONLY ELIGIBLE AMERICANS VOTE

Of the billions of votes cast in United States federal elections over the past decades, those supposedly cast in violation of citizenship requirements have accounted for a negligible percentage, one that is nearly unquantifiably small.<sup>42</sup> Countless state-led reviews, independent analyses, and media investigations have all pointed to that same conclusion.<sup>43</sup> This isn't rhetoric; it's data—data that is extremely robust, has repeatedly survived peer review, and has been collected and analyzed over decades by a wide variety of institutions. By way of introduction: a 2017 report by the Brennan Center found an estimated 30 incidents out of 23.5 million votes cast across 42 jurisdictions, a microscopic thirteen hundred-thousandths of a percent (1.3 out of one million).<sup>44</sup> In 2020, the libertarian think tank Cato Institute concluded that “Noncitizens don't illegally vote in detectable numbers.”<sup>45</sup> “[T]here is no good evidence that noncitizens voted illegally in large enough numbers to actually shift the outcome of elections or even change the number of electoral votes.”<sup>46</sup>

So why are we discussing this clear fabrication, completely divorced from reality? Because Republicans have spent years making preposterous claims about alleged voter fraud, often without a shred of evidence. For instance: shortly after the 2016 election, then-President-elect Trump alleged, without evidence, that millions voted in violation of citizenship requirements.<sup>47</sup> Unsurprisingly, Republicans quickly fell in line, repeating variations of this falsity. Then in 2019 Republicans officials in Texas announced that up to 58,000 voted illegally in state elections, but the evidence did not support those claims.<sup>48</sup> In his most recent State of the Union address, President Trump relied on these types of anti-immigrant fabrications to support legislation like the SAVE America Act, which would disproportionately impact the Latino and other marginalized communities.<sup>49</sup> And while the data, including that compiled by conservative sources, belies these false claims, this rhetoric continues.

The reality is that the data have never supported this fabrication. For example, a 2007 analysis found only 14 convictions of ineligible immigrants for voting between 2002 and 2005 under the Department of Justice's initiative to investigate voting irregularities.<sup>50</sup> Similarly, a Brennan Center survey from the same year that highlighted exaggerated and baseless claims of ineligible immigrant voting concluded that such baseless

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42 For instance, in 2016 voter fraud amounted to two hundred thousandths of a percent of total votes cast. Phillip Bump, There have been just 4 documented cases of voter fraud in the 2016 election, WASH. POST (Dec. 1, 2016), <https://www.washingtonpost.com/news/the-fix/wp/2016/12/01/0-000002-percent-of-all-the-ballots-cast-in-the-2016-election-were-fraudulent/>

43 Noncitizen Voting is Vanishingly Rare, BRENNAN CTR. FOR JUST., <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-vanishingly-rare>; Noncitizen Voting Isn't Affecting State or Federal Elections — Here's Why, BRENNAN CTR. FOR JUST. (Apr. 12, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/noncitizens-are-not-voting-federal-or-state-elections-heres-why>; Resources on Voter Fraud Claims, BRENNAN CTR. FOR JUST. (June 26, 2017), <https://www.brennancenter.org/our-work/research-reports/resources-voter-fraud-claims>.

44 CHRISTOPHER FAMIGHETTI ET AL., NONCITIZEN VOTING: THE MISSING MILLIONS, BRENNAN CTR. FOR JUST. 1 (2017), <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-missing-millions>.

45 Alex Nowrasteh, Noncitizens Don't Illegally Vote in Detectable Numbers, CATO INSTITUTE (Nov. 25, 2020), <https://www.cato.org/blog/noncitizens-dont-illegally-vote-detectable-numbers>.

46 *Id.*

47 Kevin Liptak & Dan Merica, Trump believes millions voted illegally, WH says - but provides no proof, CNN (Jan. 25, 2017), <https://www.cnn.com/2017/01/24/politics/wh-trump-believes-millions-voted-illegally>.

48 Amy Gardner, Inaccurate claims of noncitizen voting in Texas reflect a growing trend in Republican states, WASH. POST (Feb. 6, 2019), [https://www.washingtonpost.com/politics/inaccurate-claims-of-noncitizen-voting-in-texas-reflect-a-growing-trend-in-republican-states/2019/02/06/af376fb0-2994-11e9-b011-d8500644dc98\\_story.html](https://www.washingtonpost.com/politics/inaccurate-claims-of-noncitizen-voting-in-texas-reflect-a-growing-trend-in-republican-states/2019/02/06/af376fb0-2994-11e9-b011-d8500644dc98_story.html). Claims of noncitizen voting predated Trump. For example, in 2012 in Florida, a list of supposedly 180,000 noncitizen voters led to 85 people being removed from the voter rolls. In 2014, North Carolina leaders said more than 10,000 suspected noncitizens were registered in the state, but it was later determined that only 11 noncitizens voted.

49 Connor Greene, Trump Keeps Railing Against Non-Citizen Voting. Research Shows It's Extremely Rare, TIME (Feb. 26, 2026), <https://time.com/7381495/trump-non-citizen-voter-fraud-claims-research-immigration/>.

50 LORRAINE MINNITE, THE POLITICS OF VOTER FRAUD 3 (2007), [https://www.projectvote.org/wp-content/uploads/2007/03/Politics\\_of\\_Voter\\_Fraud\\_Final.pdf](https://www.projectvote.org/wp-content/uploads/2007/03/Politics_of_Voter_Fraud_Final.pdf).

allegations far outnumber actual instances.<sup>51</sup> A 2005 investigation into 1,668 Washington state voters with “foreign-sounding names,” found no noncitizens among them; a 2000 investigation into 553 Hawaiians suspected of being improperly registered immigrants showed none of them had voted; and a 2001 review of 370,000 Milwaukee voting records uncovered just four instances of naturalized individuals voting before their naturalization date. In Milwaukee, even if all allegations were accurate—which they were not—the Brennan Center pointed out that such ineligible voters would still have accounted for a tiny fraction of a percent (0.001 %) of the vote in that jurisdiction.

This trend continued during the few years before Trump was elected. In 2012, a News21 investigation found only 56 cases of ineligible immigrants voting across all 50 states between 2000 and 2012.<sup>52</sup> In 2015, researchers refuted a 2014 study that claimed 6.4 percent and 2.2 percent of ineligible immigrants voted in the 2008 and 2010 elections, respectively.<sup>53</sup> The authors concluded that “the likely percent of noncitizen voters in recent US elections is 0.” In 2016, the Brennan Center surveyed election officials from 42 jurisdictions, who collectively oversaw the tabulation of approximately 23.5 million votes in the 2016 general election.<sup>54</sup> The research found that these officials referred only around 30 incidents for further investigation or prosecution, resulting in a noncitizen voting rate of just one ten-thousandth of one percent (one millionth)—less than one in one million.

Studies conducted after the 2016 election yielded the same conclusion. A 2016 working paper by three scholars at Dartmouth College thoroughly debunked Donald Trump’s claims of widespread voter fraud in the 2016 general election, particularly focused on ineligible immigrant voting and state-specific accusations in California, New Hampshire, and Virginia.<sup>55</sup> By analyzing county-level election data, the researchers found “little evidence consistent with widespread and systematic fraud fomented by noncitizens.” While they acknowledge that some level of electoral error or fraud may exist, the study emphasizes that Trump’s expansive claims about millions of illegal votes lack observable support in the election results.

Investigations by media and state organizations have independently reached the same conclusions as the academic research. Following the 2016 election, the New York Times conducted a survey of election and law enforcement officials across 49 states and the District of Columbia. They identified only two potential cases of ineligible immigrant voting out of the 137.7 million ballots cast nationwide.<sup>56</sup> A Washington Post survey of reports from the news-aggregation system database identified just four confirmed cases of voter fraud but no evidence of ineligible immigrants voting.<sup>57</sup>

State-led reviews across the country have similarly established that such voting is extremely rare and statistically insignificant. Audits and investigations conducted by state and local governments in eight states

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51 JUSTIN LEVITT, THE TRUTH ABOUT VOTER FRAUD, BRENNAN CTR. FOR JUST. (2007), <https://www.brennancenter.org/our-work/research-reports/truth-about-voter-fraud>.

52 Natasha Khan & Corbin Carson, Comprehensive Database of U.S. Voter Fraud Uncovers No Evidence That Photo ID Is Needed, NEWS 21 (Aug. 12, 2012), <https://votingrights.news21.com/article/election-fraud/>.

53 Stephen Ansolabehere et al., The perils of cherry picking low frequency events in large sample surveys, 40 Electoral Stud., 409–10 (2015), <https://www.sciencedirect.com/science/article/abs/pii/S0261379415001420?via%3Dihub>. One of the authors criticized Richman’s study further in an article for POLITICO. “As a member of the team that produces the datasets upon which that study was based ... I can say unequivocally that this research is not only wrong, it is irresponsible social science and should never have been published in the first place. There is no evidence that noncitizens have voted in recent U.S. elections.” Brian Schaffner, Trump’s Claims About Illegal Votes Are Nonsense. I Debunked the Study He Cites as ‘Evidence.’, POLITICO (Nov. 29, 2016), <https://www.politico.com/magazine/story/2016/11/donald-trump-illegal-votes-evidence-debunked-214487/>.

54 CHRISTOPHER FAMIGHETTI ET AL., NONCITIZEN VOTING: THE MISSING MILLIONS, BRENNAN CTR. FOR JUST. 1 (2017), <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-missing-millions>.

55 David Cottrell et al., An exploration of Donald Trump’s allegations of massive voter fraud in the 2016 General Election. 51 Electoral Stud. 123–142 (2018), <https://doi.org/10.1016/j.electstud.2017.09.002>.

56 Michael Wines, All This Talk of Voter Fraud? Across U.S., Officials Found Next to None, N.Y. TIMES (Dec. 18, 2016), [https://www.nytimes.com/2016/12/18/us/voter-fraud.html?\\_r=0](https://www.nytimes.com/2016/12/18/us/voter-fraud.html?_r=0).

57 Phillip Bump, There have been just 4 documented cases of voter fraud in the 2016 election, WASH. POST (Dec. 1, 2016), <https://www.washingtonpost.com/news/the-fix/wp/2016/12/01/0-000002-percent-of-all-the-ballots-cast-in-the-2016-election-were-fraudulent/>.

between 2010 and 2013, including frequent battleground states of Florida, Michigan, and North Carolina, found minimal if any evidence of noncitizen voting.<sup>58</sup>

State audits after the 2016 and 2020 elections tell the same story. For example, the Ohio secretary of state (a Republican) determined that 82 noncitizens had voted in the 2016 election out of 5.6 million votes cast.<sup>59</sup> After the 2020 election, Ohio identified 13 instances out of nearly 6 million total votes, leading the secretary of state (a different Republican) to acknowledge, “voting fraud is exceedingly rare.”<sup>60</sup>

When Texas made headlines in 2019, claiming to have identified nearly 100,000 voters as possible noncitizens,<sup>61</sup> it turned out that its “review” had flagged many individuals that were, in fact, naturalized citizens, leading a federal court to admonish then-acting Texas Secretary of State David Whitley.<sup>62</sup> In fact, the review was so bad that Whitley rescinded the advisory after losing three lawsuits filed by Texas LULAC,<sup>63</sup> and ultimately was forced to resign following allegations that he wrongfully targeted naturalized citizens in an effort to remove them from Texas’ voting rolls.<sup>64</sup>

In 2022, Georgia’s secretary of state conducted a citizenship review of voter rolls between 1997 and 2022, flagging 1,634 voter registration applicants whose citizenship could not initially be verified. However, additional screening revealed that none of these individuals had actually voted.<sup>65</sup> According to Georgia Secretary of State Brad Raffensperger, “None of the noncitizens were allowed to register to vote.”<sup>66</sup> As Raffensperger later explained, “Noncitizens are not voting in Georgia.”<sup>67</sup> A 2024 audit revealed 20 registered out of 8.2 million registered voters, approximately two ten-thousandths of a percent.<sup>68</sup> The audit showed just nine of those citizens cast ballots, votes that occurred several years before ID verification checks were in place.

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58 Noncitizen Voting is Vanishingly Rare, BRENNAN CTR. FOR JUST., <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-vanishingly-rare>.

59 Josh Sweigart, State: More than 100 non-citizens have voted in Ohio, DAYTON DAILY NEWS (Feb. 27, 2017), <https://www.daytondailynews.com/news/state-more-than-100-non-citizens-have-voted-ohio/kLDaZOPtJBvIx1JNEWt1DJ/>; Voter Turnout in General Elections, FRANK LAROSE OHIO SEC’Y OF STATE, <https://www.ohiosos.gov/elections/election-results-and-data/historical-election-comparisons/voter-turnout-in-general-elections/>.

60 Jim Provance, 13 suspected noncitizens voted in 2020 Ohio elections, THE BLADE (July 12, 2021), <https://www.toledoblade.com/local/politics/2021/07/12/13-suspected-non-citizens-voted-in-2020-ohio-elections/stories/20210712127>; Voter Turnout in General Elections, FRANK LAROSE OHIO SEC. OF STATE, <https://www.ohiosos.gov/elections/election-results-and-data/historical-election-comparisons/voter-turnout-in-general-elections/>.

61 Liam Stack, Texas Secretary of State Questions Citizenship of 95,000 Registered Voters, N.Y. TIMES (Jan. 25, 2019), <https://www.nytimes.com/2019/01/25/us/noncitizens-voting-texas.html>.

62 Reis Thebault, Judge blocks GOP effort to purge voting rolls in Texas, saying it is ‘ham-handed’ and ‘threatening’, WASH. POST (Feb. 27, 2019), <https://www.washingtonpost.com/politics/2019/02/28/judge-blocks-gop-effort-purge-voting-rolls-texas-saying-it-is-ham-handed-threatening/>.

63 Settlement Agreement, Tex. League of United Latin American Citizens v. Whitley et al. (2019), No. SA-19-CA-074-FB, <https://clearinghouse-umich-production.s3.amazonaws.com/media/doc/103338.pdf>; see also Liam Stack, Texas Ends Review That Questioned Citizenship of Almost 100,000 Voters, N.Y. TIMES (Apr. 26, 2019), <https://www.nytimes.com/2019/04/26/us/texas-voting.html>; Press Release, ACLU, Settlement Reached to End Texas Voter Purge and Protect Voting Rights (Apr. 26, 2019) (on file with author), <https://www.aclu.org/press-releases/settlement-reached-end-texas-voter-purge-and-protect-voting-rights>.

64 Ashley Lopez, Texas Voting Chief Who Led Botched Voter Purge Resigns, NPR (May 28, 2019), <https://www.npr.org/2019/05/28/727528998/texas-voting-chief-who-led-botched-voter-purge-resigns>.

65 Citizenship Audit Finds 1,634 Noncitizens Attempted to Register to Vote, GA. SEC’Y OF STATE BRAD RAFFENSPERGER (Mar. 28, 2022), <https://sos.ga.gov/news/citizenship-audit-finds-1634-noncitizens-attempted-register-vote>.

66 Secretary Raffensperger Refers 1,600 Noncitizen Registrants to Local DAs, GBI, State Election Board, GA. SEC’Y OF STATE BRAD RAFFENSPERGER (Apr. 11, 2022), <https://sos.ga.gov/news/secretary-raffensperger-refers-1600-noncitizen-registrants-local-das-gbi-state-election-board>.

67 Miles Parks, Conservatives are warning about noncitizens voting. It’s a myth with a long history, NPR (Mar. 13, 2024), <https://www.npr.org/2024/03/13/1238102501/noncitizen-voting-immigration-conspiracy-theory>.

68 Mark Niesse, 8.2M people can vote in Georgia. The state says it found 20 non-U.S. citizens who registered, AJC: AJC POLITICS (Oct. 23, 2024), <https://www.ajc.com/politics/election-audit-shows-20-noncitizens-registered-to-vote-in-georgia/NRORAL7Z3RDSNMQ3QDLVEARPSY>.

Even Congressional leaders have challenged this baseless narrative with federal authorities.<sup>69</sup> They highlighted how at least seven states harmed thousands of valid voters in pursuit of the noncitizen voter lie from 2011 to 2024.<sup>70</sup>

Three states and the District of Columbia permit noncitizen voting in local elections—but the data shows that they rarely do. As the Cato Institute wrote in 2024, “Ironically, noncitizens in America show very little propensity to register or vote even in the handful of progressive jurisdictions that have given them the franchise in races for local offices, such as city council and school board.”<sup>71</sup> The Cato Institute explained, “If any sampling of noncitizens should be favorably disposed toward use of the ballot box it should be that in Washington, DC, which abounds in educated persons born overseas who have lived in the US for many years.” But despite there being over 100,000 foreign-born DC residents, fewer than 500—less than one half of one percent—are registered to vote.<sup>72</sup> Data from the three states with municipalities that permit noncitizen voting in local elections show extremely small numbers of votes. In Vermont’s March 2024 local elections, a total of 86 noncitizens voted across three counties.<sup>73</sup> In Maryland’s Tacoma Park elections in 2017, only 72 out of 347 registered noncitizens voted.<sup>74</sup> And in San Francisco’s local 2020 election, only 31 noncitizens voted out of nearly 450,000 total votes.<sup>75</sup>

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69 See Letter from Rep. Nikema Williams, *et al.*, U.S. House of Representatives, to Office of the Gen. Counsel, U.S. Election Assistance Commission, *Letter to U.S. EAC opposing the addition of DPOC requirements to the national voter registration application* (Oct. 20, 2025), <https://d12t4t5x3vyizu.cloudfront.net/nikemawilliams.house.gov/uploads/2025/10/Congressional-Comment-Letter-Opposing-National-Voter-ID-Rulemaking-10-20-2025.pdf>.

70 *Id.*

71 Walter Olson, *Shedding Light on the Incidence of Illegal Noncitizen Voting*, CATO INSTITUTE: CATO AT LIBERTY (May 22, 2024), <https://www.cato.org/blog/shedding-light-incident-illegal-noncitizen-voting>.

72 *Id.*

73 Matt Vasilogambros, *Though noncitizens can vote in few local elections, GOP goes big to make it illegal*, ALABAMA REFLECTOR (May 6, 2024), <https://alabamareflector.com/2024/05/06/though-noncitizens-can-vote-in-few-local-elections-gop-goes-big-to-make-it-illegal/>.

74 *Id.*

75 *Id.*; November 3, 2020 Final Election Results, SF ELECTIONS, <https://sfelections.org/results/20201103w/index.html>

# IV. LA GRAN MENTIRA: INELIGIBLE IMMIGRANT VOTING

## A. TRUMP LEADS THE WAY

The 2024 election’s Second Big Lie of ineligible immigrant voting is rooted in Trump’s and his MAGA movement’s broader embrace of racist conspiracy theories and anti-immigrant rhetoric, a pattern that he began to perpetuate long before he ran for president. He infamously amplified the so-called “birther conspiracy” that President Obama was not born in the United States, bringing mainstream attention to a baseless attack that previously had been limited mostly to the extremist fringe.<sup>76</sup> When he launched his 2016 presidential campaign he attacked Mexican immigrants as “criminals” and “rapists.”<sup>77</sup> And, throughout his campaign, and later his presidency, he repeatedly pushed the “great replacement theory,” a white-nationalist and white-supremacist conspiracy theory that immigration policies are a “plot designed to undermine or ‘replace’ the political power and culture of white people living in Western countries.”<sup>78</sup> Since rising to political prominence, Trump has consistently and repeatedly made derogatory remarks about foreigners and immigrants, regardless of citizenship status: from his Muslim ban, to ridiculing “shithole countries,” to attacks on refugees—as well as his more recent claim that Haitian immigrants in Springfield, Ohio are eating pet dogs and cats.<sup>79</sup>

His falsehoods about immigrant voting are another permutation of his xenophobic rhetoric. And they are not just recent. In October 2014, Trump posted on Twitter, “[e]lection officials [were] saying that there is nothing stopping illegal immigrants from voting. This is very bad (unfair) for Republicans!”<sup>80</sup> While campaigning in 2016, Trump alleged that ineligible immigrant voting allowed Obama to win North Carolina in 2008, misrepresenting a Washington Post report.<sup>81</sup>

Shortly after winning the 2016 election, Trump was repeating and intensifying his false claims. On November 27, 2016, Trump tweeted: “In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally.”<sup>82</sup> After taking office in January 2017, Trump claimed he would have won the popular vote in the 2016 election if 3 to 5 million undocumented immigrants had not voted, offering no evidence for his assertion.<sup>83</sup> That same month, he tweeted, “I will be asking for a major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal and...” “even those registered to vote who are dead (and many for a long time).”<sup>84</sup>

The Trump Administration doubled-down on Trump’s false claims. In January 2017, Press Secretary Sean

76 Michael Barbaro, Donald Trump Clung to ‘Birther’ Lie for Years, and Still Isn’t Apologetic, N.Y. TIMES (Sept. 16, 2019), <https://www.nytimes.com/2016/09/17/us/politics/donald-trump-obama-birther.html>.

77 Michelle Ye Hee Lee, Donald Trump’s false comments connecting Mexican immigrants and crime, WASH. POST (July 8, 2015), <https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/>.

78 NATIONAL IMMIGRATION FORUM, THE ‘GREAT REPLACEMENT’ THEORY EXPLAINED 1 (2021), <https://immigrationforum.org/wp-content/uploads/2021/12/Replacement-Theory-Explainer-1122.pdf>.

79 Merlyn Thomas & Mike Wendling, Trump repeats baseless claim about Haitian immigrants eating pets, BBC (Sept. 15, 2024), <https://www.bbc.com/news/articles/c77128myezko>.

80 Donald J. Trump (@realDonaldTrump), TWITTER (Oct. 31, 2014), <https://x.com/realdonaldtrump/status/528286220418564096>

81 Trump says non-citizen votes may have been responsible for Obama’s 2008 victory in North Carolina, WASH. POST (Oct 17, 2016), [https://www.washingtonpost.com/video/national/trump-says-non-citizen-votes-may-have-been-responsible-for-obamas-2008-victory-in-north-carolina/2016/10/17/029db1b2-94ca-11e6-9cae-2a3574e296a6\\_video.html](https://www.washingtonpost.com/video/national/trump-says-non-citizen-votes-may-have-been-responsible-for-obamas-2008-victory-in-north-carolina/2016/10/17/029db1b2-94ca-11e6-9cae-2a3574e296a6_video.html).

82 Donald J. Trump (@realDonaldTrump), TWITTER (Nov. 27, 2016). <https://x.com/realdonaldtrump/status/802972944532209664?lang=en>.

83 Michael D. Shear & Emmarie Huettman, Trump Repeats Lie About Popular Vote in Meeting With Lawmakers, N.Y. TIMES (Jan. 23, 2017), <https://www.nytimes.com/2017/01/23/us/politics/donald-trump-congress-democrats.html>; Ken Thomas & Erica Werner, Trump wrongly blames fraud for loss of popular vote, AP (Jan. 23, 2017), <https://apnews.com/united-states-government-a79bb23654e7486a81f555b3bdc9bbc7>; Abby Phillip & Mike DeBonis, Without evidence, Trump tells lawmakers 3 million to 5 million illegal ballots cost him the popular vote, WASH. POST (Jan. 23, 2017), <https://www.washingtonpost.com/news/post-politics/wp/2017/01/23/at-white-house-trump-tells-congressional-leaders-3-5-million-illegal-ballots-cost-him-the-popular-vote/>.

84 Donald J. Trump (@realDonaldTrump), TWITTER (Jan. 25, 2017), <https://x.com/realdonaldtrump/status/824227824903090176>.

Spicer was asked what evidence the president had to support his assertions—and while initially Spicer responded only that it was based on unidentified “studies and evidence people have presented to him,” when pressed, he said, “I think there’s been studies. There’s one that came out of Pew in 2008 that showed 14 percent of people who voted were noncitizens. There’s other studies that have been presented to him. It’s a belief he maintains.”<sup>85</sup> As FactCheck.org later wrote, “It appears Spicer conflated two different studies,” both of which have been widely debunked....”<sup>86</sup>

In February 2017, Trump’s White House Senior Advisor Stephen Miller, appearing on ABC, claimed that “at a minimum” 14% of noncitizens were registered to vote, “according to academic research.” When pressed on evidence to support his claim, Miller failed to identify any but instead repeated the false talking point, saying that “noncitizen voting issues [are] pervasive and widespread....”<sup>87</sup>

Trump signed an executive order creating the “Presidential Advisory Commission on Election Integrity” in May 2017.<sup>88</sup> The Commission was a complete failure, and in early 2018, Trump had it disbanded without having identified a single occurrence of an ineligible immigrant casting a vote.<sup>89</sup> Nevertheless, Trump continued to make these claims throughout the remainder of his term.

Following his 2020 loss to President Biden, Trump incorporated lies about ineligible immigrant voting into his broader conspiracy that the election was stolen. On Dec. 2, 2020, in a pre-recorded speech on voter fraud, Trump said: It’s a widely known fact that the voting rolls are packed with people who are not lawfully eligible to vote, including those who are deceased, have moved out of their state and even are noncitizens of our country. ... It is a travesty that in the year 2020 we do not have any means of verifying the eligibility of those who cast ballots in an election, and such an important election it is, for determining who they are, whether they live in the state or whether they are even American citizens.<sup>90</sup>

Trump continued, “Most Americans would also be shocked to learn that no state in the country verifies United States citizenship as a condition for voting in federal elections.”<sup>91</sup> Which is, of course, nonsense. Not only did he ignore the procedural safeguards that make it difficult for noncitizens to register to vote (and the penalties and apparatuses that deter them from doing so), he ignored the fact that certain states require proof of citizenship either to vote or to obtain a license needed to vote. The following month during the infamous “Save America” rally on January 6, 2021, Trump said, “In the State of Arizona, over 36,000 ballots were illegally cast by noncitizens.”<sup>92</sup> Trump lost Arizona by 10,457 votes.

Trump made immigration policy a centerpiece of his 2024 campaign, much as he did in 2016 and 2020—but

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85 C-SPAN, White House Daily Briefing (Jan. 24, 2017), <https://www.c-span.org/video/?422623-1/sean-spicer-says-president-believes-voter-fraud-occurred-2016>

86 Robert Farly, Trump’s Bogus Voter Fraud Claims Revisited, FACTCHECK.ORG (Jan. 25, 2017), <https://www.factcheck.org/2017/01/trumps-bogus-voter-fraud-claims-revisited/>; Glenn Kessler, The truth about noncitizen voting in federal elections, WASH. POST (Mar. 6, 2024, 3:00 AM), <https://www.washingtonpost.com/politics/2024/03/06/truth-about-noncitizen-voting-federal-elections/>.

87 “This Week” transcript 2-12-17: Stephen Miller, Bob Ferguson, and Rep. Elijah Cummings, ABC NEWS (Feb. 12, 2017), <https://abcnews.go.com/Politics/week-transcript-12-17-stephen-miller-bob-ferguson/story?id=45426805>; ABC News (@ABC), TWITTER (Feb. 12, 2017), <https://twitter.com/ABC/status/830787890309369856>.

88 Press Release, WhiteHouse.gov, Presidential Advisory Commission on Election Integrity (May 11, 2017) (on file with author), <https://trumpwhitehouse.archives.gov/articles/presidential-advisory-commission-election-integrity/>.

89 Nicholas Riccardi, Noncitizen voting isn’t an issue in federal elections, regardless of conspiracy theories. Here’s why, AP (Apr. 12, 2024), <https://apnews.com/article/trump-immigrant-voting-noncitizens-elections-explained-cf4c73b336147b5f5d9c2a22b2564994>; Marina Villaeneuve, Report: Trump commission did not find widespread voter fraud, AP (Aug. 3, 2018), <https://apnews.com/article/f5f6a73b2af546ee97816bb35e82c18d>; see also Background on Trump’s ‘Voter Fraud’ Comm’n, BRENNAN CTR. FOR JUST. (July 18, 2017), <https://www.brennancenter.org/our-work/analysis-opinion/background-trumps-voter-fraud-commission>.

90 Donald Trump, Speech: Donald Trump Makes an Unscheduled Pre-Recorded Speech on the Election - December 2, 2020 (transcript available on Rollcall.com), <https://rollcall.com/factbase/trump/transcript/donald-trump-speech-elections-unannounced-december-2-2020/>.

91 *Id.*

92 Donald Trump, Donald Trump Speech “Save America” Rally Transcript January 6 (Jan. 6, 2021) (transcript available on Rev.com), <https://www.rev.com/blog/transcripts/donald-trump-speech-save-america-rally-transcript-january-6>.

this time conspiratorial falsehoods about immigrant voting were a far more central element. He repeatedly attacked President Biden’s immigration and border policies as a conspiracy to overthrow the country, parroting the white supremacist great replacement conspiracy theory.<sup>93</sup> At the September 10 presidential debate, Trump said, “Our elections are bad. And a lot of these illegal immigrants coming in, they’re trying to get them to vote. They can’t even speak English. They don’t even know what country they’re in practically. And these people are trying to get them to vote. And that’s why they’re allowing them to come into our country.”<sup>94</sup>

## B. PARTISAN ACTORS FOLLOW SUIT

Partisan officials followed Trump’s lead in amplifying his baseless attacks on immigrant voting, with Trump followers in Congress and state government repeating his false talking points.<sup>95</sup> And these individuals continued even when they were proven wrong. In Iowa, Secretary of State Paul Pate said ineligible immigrant voting is a problem in his state’s elections, but local investigations refuted his claims. Former Arizona Attorney General Mark Brnovich frequently claimed such voting was widespread in the 2020 election, but election audits proved that to be false.<sup>96</sup> And in Texas, Governor Greg Abbott, Attorney General Ken Paxton, and former Secretary of State David Whitley all made outlandish claims about the number of ineligible immigrant voters.<sup>97</sup>

At the 2024 Republican National Convention, prominent speakers pushed election fraud conspiracies, including “great replacement theory”-adjacent claims that Democrats were letting immigrants enter the country illegally in order to gain their votes. House Speaker Mike Johnson claimed “millions of illegal aliens ... disrupt our elections.”<sup>98</sup> Texas Senator Ted Cruz said, “Democrats cynically decided they wanted votes from illegals more than they wanted to protect our children.”<sup>99</sup> Arizona Senate candidate Kari Lake said her Democratic opponent wanted “to let the millions of people who have poured into our country illegally cast a ballot in this upcoming election.”<sup>100</sup> And Florida Senator Rick Scott described how Joe Biden could be re-elected: “It was easy for Democrats to rig the elections; they simply allowed all the noncitizens to vote.”<sup>101</sup>

Some in the policy intelligentsia have also followed suit. For example, traditionally the Heritage Foundation

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93 Right Side Broadcasting Network, FULL SPEECH: Trump Holds a “Get Out The Vote Rally” in Richmond, VA - 3/2/24, YOUTUBE, at 22:29 (Mar. 2, 2024), <https://youtu.be/hUH7WSzBacY?t=1349>; Forbes Breaking News, FULL EVENT: Trump Gives Fiery Interview At National Association Of Black Journalists Convention Q&A, YOUTUBE, at 17:28 (Jul 31, 2024), <https://youtu.be/CNSGTxDC2WQ?t=1048>; Aaron Rupar (@atrupar), TWITTER (Aug. 3, 2024), <https://x.com/atrupar/status/1819870112511365497?s=46&t=yKBfpwARcxXPrYJx-ZwFWg>.

94 Kamala Harris & Donald Trump, READ: Harris-Trump presidential debate (Sept. 10, 2024), <https://abcnews.go.com/Politics/harris-trump-presidential-debate-transcript/story?id=113560542>

95 Dartunorro Clark, Judge rules against Kemp over voters misidentified as noncitizens, NBC NEWS (Nov. 2, 2018), <https://www.nbcnews.com/politics/politics-news/judge-rules-against-kemp-over-voters-misidentified-noncitizens-n930536>.

96 Marissa Sarbak, Arizona AG: No evidence of widespread voter fraud found in 2020 election, FOX 10 PHOENIX (Feb. 28, 2023), <https://www.fox10phoenix.com/news/arizona-ag-no-evidence-widespread-voter-fraud-found-2020-election-mayes-brnovich>; Stephen Gruber-Miller, Iowa secretary of state says dozens of noncitizens may have voted in past state elections, DES MOINES REGISTER (Oct. 23, 2024), <https://www.desmoinesregister.com/story/news/politics/elections/2024/10/23/iowa-secretary-of-state-paul-pate-says-noncitizens-may-have-voted-in-elections/75797141007/>.

97 Emma Platoff & Alexa Ura, Texas AG Ken Paxton says his office hasn’t launched criminal investigations of voters flagged for citizenship review, THE TEXAS TRIBUNE (Feb. 8, 2019), <https://www.texastribune.org/2019/02/08/texas-ken-paxton-voter-fraud-non-citizens-not-prosecuted/>; Lexi Churchill et al., Gov. Greg Abbott boasted that Texas removed 6,500 noncitizens from its voter rolls. That number was likely inflated, THE TEXAS TRIBUNE (Oct. 15, 2024), <https://www.texastribune.org/2024/10/15/texas-noncitizen-voter-roll-removal-included-americans/>.

98 Nicholas Liu, “Votes from illegals”: Republicans are already preparing an excuse if they lose in November, SALON (July 18, 2024), <https://www.salon.com/2024/07/18/votes-from-illegals-are-already-preparing-an-excuse-if-they-lose-in-november/>.

99 Radley Balko, The worst thing about Ted Cruz’s dystopian RNC speech, MSNBC (July 18, 2024), <https://www.msnbc.com/opinion/msnbc-opinion/rnc-speech-ted-cruz-immigration-border-control-rcna162>.

100 PBS NewsHour, WATCH: Senate candidate Kari Lake speaks at 2024 Republican National Convention | 2024 RNC Night 2, YOUTUBE, at 2:37 (Jul. 16, 2024), <https://www.youtube.com/watch?v=FxJiStdF9p0&t=157s>.

101 PBS NewsHour, WATCH: Sen. Rick Scott speaks at 2024 Republican National Convention | 2024 RNC Night 2, YOUTUBE, at 2:23 (Jul. 16, 2024), <https://youtu.be/0kRFSji8hQE?si=Enatq03H8C5QALV8&t=143>.

wrote reports on ineligible immigrant voting and maintained a database of supposed voter fraud cases.<sup>102</sup> Their “reports” often cite debunked studies while exaggerating the scope of the issue based on isolated incidents, taking rare anecdotal examples to draw broad and misleading conclusions that such voting is widespread while ignoring data-driven and peer-reviewed studies proving the opposite. Other conservative think tanks, including the American Enterprise Institute and Claremont Institute, have similarly tried to justify policy positions on immigrant and election integrity by overstating the extent and potential of ineligible immigrant voting.<sup>103</sup>

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102 See HANS VON SPAKOVSKY, THE THREAT OF NON-CITIZEN VOTING (Jul. 10, 2008), <https://www.heritage.org/report/the-threat-non-citizen-voting>. Though even they concede reliable facts do not support their earlier claims. See Aaron Reichlin-Melnick, Unpacking Myths About Noncitizen Voting – How Heritage Foundation’s Own Data Proves It’s Not a Problem, AMER. IMM. COUNCIL (Aug. 1, 2024), <https://www.americanimmigrationcouncil.org/blog/myths-about-noncitizen-voting-heritage-foundation-data/>.

103 FEDERATION FOR AMERICAN IMMIGRATION REFORM, NONCITIZENS, VOTING VIOLATIONS AND U.S. ELECTIONS (2020), <https://www.fairus.org/sites/default/files/2020-07/Noncitizens-Voting-0720.pdf>; Howard Husock, Noncitizen Voting Doesn’t Pass This Test, AMERICAN ENTERPRISE INSTITUTE (Dec. 1, 2021), <https://www.aei.org/op-eds/noncitizen-voting-doesnt-pass-this-test/>; Ben Weingarten, The Battle Lines of 2024’s Epic Struggle, THE AMERICAN MIND (Aug. 14, 2024), <https://americanmind.org/salvo/the-battle-lines-of-2024s-epic-struggle/>

# V. TRUMP 2.0: THE SAVE ACTS, EXECUTIVE ORDERS, AND DOCUMENTARY PROOF OF CITIZENSHIP

Since Trump’s re-election, the MAGA faithful have rallied around the SAVE Act as the central policy initiative to stop the non-existent threat of ineligible noncitizen voting—and, crucially, make it harder for Black and Brown people to participate in our democracy. The SAVE Act would accomplish this goal by adopting stringent requirements that anyone who wants to vote must provide documentary proof of citizenship (“DPOC”), functionally requiring that voters produce a passport or other approved documentation every time they register. This would be an extraordinary burden for millions of voters—particularly the more than 80 million Americans who register for the first time or who update their registration at election time for various reasons, including due to relocating, a change in marriage status, or a switch in parties.<sup>104</sup> As we discuss below, studies show that roughly half of American citizens do not have a passport,<sup>105</sup> while more than 21 million Americans do not have ready access to any of the documents that prove their citizenship.<sup>106</sup>

The SAVE Act debuted in May 2024, introduced by Rep. Chip Roy (R-Texas) and Sen. Mike Lee (R-Utah)—and supported by U.S. House Speaker Mike Johnson (R-La.).<sup>107</sup> It was sponsored by 108 GOP House members. During a press conference outside the Capitol, Speaker Johnson formally introduced the bill by saying, “We all know, intuitively, that a lot of illegals are voting in federal elections.”<sup>108</sup> Senator Mike Lee said the bill was necessary for “ensuring that only American citizens vote in American elections” because “illegal immigrants and noncitizens across the nation are being improperly registered to vote, allowing them to cast illegitimate ballots in federal elections.”<sup>109</sup> Looking at the legislation factually—rather than “intuitively”—makes it clear that the bill, as the Leadership Conference notes, is “the most recent example of what has been a string of recent efforts to make voter registration and voting more difficult, particularly for voters of color.”<sup>110</sup> That bill passed the House on July 10, 2024, but stalled in the Senate.<sup>111</sup>

The SAVE Act (H.R. 22) was reintroduced in the 119th Congress along with a suite of even more restrictive voting bills—the SAVE America Act (S. 1383) and the Make Elections Great Again Act (H.R. 7300). The two SAVE Act bills have gained traction in advance of the upcoming midterm elections even though they contain

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104 Eliza Sweren-Becker & Owen Bacskai, *New SAVE Act Bills Would Still Block Millions of Americans From Voting*, BRENNAN CTR. FOR JUST., (Feb. 27, 2026), <https://www.brennancenter.org/our-work/analysis-opinion/new-save-act-bills-would-still-block-millions-americans-voting>.

105 *Id.* See also, Gréta Bedekovics & Sydney Bryant, *The SAVE Act Would Disenfranchise Millions of Citizens*, CENTER FOR AMERICAN PROGRESS (Jan. 26, 2026), <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>.

106 Kevin Morris & Cora Henry, *Millions of Americans Don’t Have Documents Proving Their Citizenship Readily Available*, BRENNAN CTR. FOR JUST., (Jun. 11, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>.

107 *Safeguard American Voter Eligibility Act of 2024*, H.R. 8281, 118th Cong. (2d Sess. 2024), [https://www.democracydocket.com/wp-content/uploads/2024/05/SAVE-ACT\\_Bill-Text.pdf](https://www.democracydocket.com/wp-content/uploads/2024/05/SAVE-ACT_Bill-Text.pdf).

108 Aaron Rupar (@atrupar), TWITTER (May 8, 2024), <https://x.com/atrupar/status/1788231185174311165>

109 Press Release, Chip Roy U.S. Cong. 21st District of Texas, *Rep. Roy leads fight to SAVE American elections* (May 8, 2024) (on file with author), <https://roy.house.gov/media/press-releases/rep-roy-leads-fight-save-american-elections>.

110 Civil Rights Groups Letter to Members of Congress, Jul. 9, 2024, <https://civilrights.org/resource/civil-rights-groups-letter-in-opposition-to-save-act-2/>. Some states have pushed restrictive documentary proof of citizenship policies. As of October 1, 2024, eleven states had enacted new laws aimed at restricting voting, while 17 others were currently considering additional measures. See VOTING RIGHTS LAB - BILL SEARCH, <https://tracker.votingrightslab.org/pending/search?number=5813264641531032>; and <https://tracker.votingrightslab.org/pending/search?number=5989700499429365>. For example, in 2021 Florida passed a law tightening existing voter ID requirements—while making it harder for people to vote by mail, imposing restrictions on ballot drop boxes, and limiting third-party voter registration efforts. See FL S.B. 90, 2nd. Engrossed (2021), <https://www.flsenate.gov/Session/Bill/2021/90/BillText/er/PDF>. And in 2021, Texas expanded its voter ID requirements, making it harder to vote by absentee ballot. See Press Release, Office of Public Affairs U.S. Dep’t of Just., *Court Finds that Texas Law Requiring the Rejection of Mail Ballots and Applications Violates the Civil Rights Act* (Aug. 18, 2023) (on file with author), <https://www.justice.gov/opa/pr/court-finds-texas-law-requiring-rejection-mail-ballots-and-applications-violates-civil>.

111 *Safeguarding American Voter Eligibility Act (“SAVE Act”)*, S. 4292, 118th Congress (2023-2024).

escalating degrees of burdensome registration and voting requirements. The SAVE Act passed the House on a mostly party line vote on April 10, 2025. As discussed below, if enacted, it would impose significant barriers to voting that disproportionately impact Latinos and that could rob them of their Constitutional protections. The SAVE Act would require voter registration applicants to physically present their DPOC. For state governments, the legislation would mandate they “take affirmative steps on an ongoing basis to ensure that only United States citizens are registered to vote” and to remove ineligible voters from registration rolls “upon receipt of documentation or verified information that a registrant is not a United States citizen.”<sup>112</sup>

The second bill, the SAVE America Act, passed the House on February 11, 2026, and is currently pending in the Senate. In addition to the SAVE Act’s DPOC identification requirements, the SAVE America Act mandates voters submit photo identification at the polls and imposes a dubious cross-checking process on the states requiring them to input voter rolls into a DHS error-filled database known as the “SAVE” system for comparison.<sup>113</sup> If adopted, this measure could adversely affect the outcome of an election by kicking eligible voters off their state voter rolls based on faulty data. Recent investigative reporting found that the SAVE system has made “persistent mistakes, particularly in assessing the status of people born outside the U.S.... Some of those people subsequently become U.S. citizens, a step that the system doesn’t always pick up.”<sup>114</sup>

The MEGA Act is even more onerous: it includes an unfunded mandate requiring states to create centralized databases that would need to be “continuously updated, coordinated with other government databases and used to assign a unique identifier to every voter — effectively making a single state-controlled database the gatekeeper of voting rights in federal elections.”<sup>115</sup>

All three DPOC bills have the same basic structure: voters need to present one of a very narrow set of acceptable government documents that explicitly list their citizenship status. Each creates substantial barriers to register and vote that will fall hardest on communities of color, rural Americans, and the working class.

Each creates substantial unfunded mandates for states to verify citizenship status. We discuss these issues in detail below.

The following is a chart outlining the key policies in the three DPOC SAVE Act bills:

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112 Safeguarding American Voter Eligibility Act (“SAVE Act”), H.R. 22, 119th Congress (2025-2026).

113 Safeguarding American Voter Eligibility Act (“SAVE America”), S.1383, 119th Congress (2025-2026), Sec. 4(A); Jasleen Singh & Spencer Reynolds, Homeland Security’s “SAVE” Program Exacerbates Risks to Voters, BRENNAN CTR. FOR JUST., (Jul. 21, 2025), <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>.

114 Jen Fifield and Zach Despart, A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas, TEXAS TRIBUNE (Feb. 13, 2026), <https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/>.

115 Make Elections Great Again Act (“MEGA Act”), H.R. 7300, 119th Congress (2025-2026), Sec. 114. *See also* Yunion Rivas, New GOP Anti-Voter Bill may be the most dangerous attack on voting rights ever, DEMOCRACY DOCKET (Jan. 29, 2026). <https://www.democracymocket.com/news-alerts/new-gop-anti-voting-bill-may-be-the-most-dangerous-attack-on-voting-rights-ever/>.

Policy	SAVE Act (H.R. 22)	SAVE America Act (S. 1383)	MEGA Act (H.R. 7300)
<u>Primary Obstacles to Voting</u>	Requiring documentary proof of citizenship to register to vote in federal elections.	Requiring documentary proof of citizenship to register to vote in federal elections <b>and</b> creating a nationwide photo ID mandate to cast a ballot.	Requiring documentary proof of citizenship to register to vote in federal elections <b>and</b> creating a nationwide photo ID mandate to cast a ballot <b>and</b> creates extensive unfunded state database mandates.
<u>NEW Registration ID Requirement: Voters Must Bring DPOC Documents to Register.</u>	DPOC documents include: Passports <b>or</b> government IDs denoting citizenship status <b>or</b> certified birth certificates (or other government IDs) in combination with a government Photo ID. Sec. 2(a)-(b). Student IDs would not ordinarily qualify.	DPOC documents required. Sec. 2(a).	DPOC documents required <b>and</b> last 4 digits of SSN <b>and</b> a current and valid driver's license or other documentary proof of residence in the State. Sec. 112(c); Sec. 123(2).
<u>NEW Polling ID Requirement: Voters Must Bring Valid Photo ID Documents to the Polls.</u>	N/A	Valid Photo IDs include: passports; driver's licenses; State MVA ID cards; military IDs; tribal IDs. Sec. 3(a). Student IDs would not ordinarily qualify.	Valid Photo IDs required. Sec. 101(a)(1).
<u>NEW Restriction on Mail-In Registration</u>	<b>Prohibited</b> unless voters also present their documents in person at an election official's office, or at polling places in states that allow same-day voter registration. Sec. 2(d).	SAVE Act Prohibition Applies. Sec. 2(d).	Save Act Prohibition Applies. Sec. 115(b).
<u>NEW Challenges for Married Women and Others with Name discrepancies</u>	If a voter's name has changed (e.g. changes due to marriage or gender affirmation), the voter must <b>provide a government document showing the name change</b> in person (a linking document), in addition to the other documentation. Sec. 2(f)(3).	A voter with a name that does not match their citizenship document may present a linking document or the voter <b>may sign an affidavit attesting to the name change</b> . Sec. 2(f).	SAVE America Act Process Applies. Sec. 112(e)(4).
<u>NEW Voter Roll Monitoring and Database Cross checking</u>	States are required to <b>adopt a program to ensure only citizens are on the rolls</b> , and make the rolls available to the federal government upon request. Sec. 2(f).	States are required to <b>affirmatively send their voter rolls to input into DHS SAVE system</b> for cross checking. Sec. 2(f). <sup>116</sup>	States are required to <b>create and update voting databases and share information with DHS and other government agencies</b> for cross checking and to make an affirmative effort to remove voters from the rolls if they have not voted in 2 consecutive general elections or if they don't respond to verification notices. Sec. 112(c)(2).
<u>Private Right of Action: NEW Election official coverage</u>	Individuals could bring <b>civil lawsuits against an election official</b> who registers an applicant to vote without documentary proof of citizenship, after written notice to the chief election official. Sec. 2(i).	SAVE Act Private Right of Action Applies. Sec. 2(i).	SAVE Act Private Right of Action Applies. Sec. 116.
<u>Criminal Penalties and Enforcement: NEW Election official coverage</u>	<b>Election officials</b> who register an applicant to vote <b>without proof of citizenship</b> would be subject to <b>criminal penalties</b> , including fines or imprisonment. <b>Executive branch officials</b> who provide material assistance to noncitizens to register to vote, or vote, would <i>also</i> be subject to the criminal penalties. Sec. 2(j).	SAVE Act Penalties and Enforcement Apply. Sec. 2(j).	SAVE Act Penalties and Enforcement Apply. Sec. 112(f)(4).
<u>Effective Date: NEW Impact on upcoming elections</u>	DPOC requirement would apply to <b>new registration applications submitted on or after the date of enactment</b> . Sec. 8.	DPOC and Valid Photo ID requirements would apply <b>immediately to all federal elections held on or after the date of enactment</b> . Sec. 3(a).	DPOC and Valid Photo ID at the poll requirement applies to federal elections held in 2027 or after. Sec. 101(a).

## A. THE SAVE ACT BURDENS CITIZENS BY REQUIRING THEY PRODUCE SELECT GOVERNMENT DOCUMENTS

The SAVE Act would impose significant practical burdens on people registering to vote and on state governments.<sup>117</sup> The legislation effectively authorizes two methods for registrants: (1) the single-document method in which registrants present a single government issued photo identification that proves citizenship from a very small list of approved documents, or (2) the two-document method in which registrants present two types of identification, including an approved government-issued photo identification and a government-issued or government-approved record that identifies the registrant as a U.S. citizen. A U.S. passport satisfies the first method. A combination of a state-issued birth certificate and a REAL ID driver’s license/identification card would be needed to satisfy the second option. In addition, active U.S. servicemembers and veterans must submit an official U.S. military ID *in conjunction* with a service record showing a U.S. place of birth to satisfy the two-document requirements. Standard, non-REAL ID driver’s licenses or identification cards, military IDs alone, and Native American tribal IDs alone would not satisfy the law. Under the Act, citizens would present these documents whenever they submitted an application, renewed, or changed their voter registration.

Under the proposed bills, mail-in registration could become obsolete since the Act would require Americans to present DPOC *in person* to the “office of the appropriate election official” or “at the polling place” for those states that permit same-day registration. Requiring Americans to register to vote in person at an election office would end the registration mechanisms that 94% of Americans use to register—including motor-voter registration at the Department of Motor Vehicles (DMV), or sending in an application by mail.<sup>118</sup> In effect, the law demands citizens “show me your papers” to secure the right to vote. Women, military-impacted, elderly, foreign-born, working class, and rural citizens would face distinct challenges with these requirements, as would first-time voters, including the growing number of eligible Latino youth.

It is no surprise this legislation would disenfranchise tens of millions of voters. A 2024 survey indicates nearly one in 10 citizens do not have or cannot find DPOC records.<sup>119</sup> Many Latinos in Arizona, Kansas, Missouri, and Texas already experienced the confusion and fear “show me your papers” state laws engender. No matter a citizen’s status, the SAVE Act would impose significant time, financial, and transportation burdens on particular groups of people registering to vote.

### 1. IMPACT ON LATINOS

Latinos, collectively, face unique challenges to not only cast ballots, but also to assemble accurate personal government records because of their places and manner of birth, naming conventions, or if their primary language(s) is other than English. By introducing nationwide citizenship verification requirements, the legislation would create even more barriers to voting—especially for Latino communities, naturalized citizens, and seniors who are already navigating a complex and often confusing system. The Act’s

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117 We note that one of the bills, the SAVE America Act, passed the House as S. 1383 by a vote of 218 to 213. This version of the SAVE Act makes some minor changes that attempt to address some of the problems in other SAVE Act bills. See SAVE America Act, S. 1383, <https://www.congress.gov/bill/119th-congress/senate-bill/1383/text#H31792441B71F4B44805283172FE818C7>.

118 Gréta Bedekovics, The SAVE America Act Explained: How the New ‘Show Your Papers’ Voting Bill Is Even More Extreme Than the SAVE Act, CENTER FOR AMERICAN PROGRESS (Feb. 27, 2026), <https://www.americanprogress.org/article/the-save-america-act-explained-how-the-new-show-your-papers-voting-bill-is-even-more-extreme-than-the-save-act/>.

119 Kevin Morris & Cora Henry, Millions of Americans Don’t Have Documents Proving Their Citizenship Readily Available, BRENNAN CTR. FOR JUST., (Jun. 11, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>; see also Jillian A. Rothschild, et al., *Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge*, U. Md Ctr. for Demo. & Civic Engagement 6 (June 2024) <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%20survey%20Key%20Results%20June%202024.pdf>; Hansi Lo Wong, 1 in 10 eligible U.S. voters say they can’t easily show proof of their citizenship, NPR (June 11, 2024), <https://www.npr.org/2024/06/11/nx-s1-4991903/voter-registration-proof-of-citizenship-requirement>.

reliance on federal databases to verify citizenship puts eligible voters at further risk of being wrongfully disenfranchised when those databases contain inaccuracies.<sup>120</sup> Many Latino citizens have two last names—one from their father and one from their mother. Sometimes these names are hyphenated, sometimes they are not. The simple omission of a hyphen on an individual’s voter registration form can make their registration incompatible with their birth certificate, potentially disqualifying them from voting. After decades of fighting for and winning the right to participate in our community, Latino voters must now contend with a new voting scheme that could undo their hard-earned rights. We discuss the key issues below.

## **2. SHOW ME YOUR PAPERS**

The following are the DPOC “show me your papers” documents—and why each category presents serious obstacles to voters.

**U.S. Passports:** U.S. passports are the SAVE Act’s model documentation. However, the majority of Americans do not possess a passport.<sup>121</sup> Indeed, roughly 146 million citizens lack passports, a number nearly matching the 153 million citizens who cast ballots in the 2024 general election.<sup>122</sup> Just one out of four Americans with a high school degree or less education possesses a passport.<sup>123</sup> And only approximately 20% of working class households with incomes below \$50,000, have passports.<sup>124</sup> Generally, passport-deficient Americans tend to be working class, rural, conservative leaning, and reside in a “red state.”<sup>125</sup> The passport preference is particularly problematic for Latinos under Trump: the administration has denied passports to Latino applicants, jailed passport applicants in immigration detention centers, or initiated deportation proceedings against them.<sup>126</sup> In other instances, the Trump administration even trapped Latinos abroad by “suddenly revok[ing] [their passports] when they tried to reenter the country.”<sup>127</sup>

**Driver’s Licenses:** Not all state-issued driver licenses qualify for DPOC. The SAVE Act limits eligibility to “enhanced driver’s licenses,” a document only produced in five northern border states.<sup>128</sup> Of those, only New York serves a substantial Latino population, meaning the limitation does not help the majority of Latinos who reside in the southern, southwestern, and western states, much less those residing along the nation’s southern border. Thus, the SAVE Act creates a structural barrier for all citizens, especially Latinos and other citizens of color. Notably, the SAVE Act does not accept current government-issued IDs like the REAL ID.<sup>129</sup> REAL ID cards are satisfactory identification for Americans to fly domestically—but not to secure their right to vote.

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120 Jen Fifield & Zach Despart, A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas, THE TEXAS TRIBUNE (Feb. 16, 2026), <https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/>.

121 “Among Americans, 43% have a passport, while 52% do not.” See Jamie Ballard, Adults Under 30 are more likely than older Americans to have a current U.S. passport, YOUNGOV (Aug 31, 2023), <https://today.yougov.com/travel/articles/46028-adults-under-30-more-likely-have-us-passport>.

122 Greta Bedekovics & Sydney Bryant, The SAVE Act Would Disenfranchise Millions of Citizens, CENTER FOR AMERICAN PROGRESS (Jan. 31, 2025), <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>.

123 *Id.*

124 *Id.*

125 *Id.*

126 Kevin Sieff, U.S. denying passports to American citizens along Mexico border, WASH. POST (Aug. 29, 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?noredirect=on](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?noredirect=on).

127 *Id.*

128 Emily Burns, What You Need to Know About the SAVE Act, CAMPAIGN LEGAL CTR. (Feb. 5, 2025), <https://campaignlegal.org/update/what-you-need-know-about-save-act>; Bulletin, Enhanced Drivers Licenses: What Are They?, DEP’T OF HOMELAND SECURITY (accessed Mar. 15, 2026) <https://www.dhs.gov/enhanced-drivers-licenses-what-are-they>.

129 See Wren Orey, *et al.*, Five Things to Know About the SAVE America Act, BIPARTISAN POL’Y CTR., (Feb. 2, 2026), <https://bipartisanpolicy.org/article/five-things-to-know-about-the-save-act/>; Greta Bedekovics & Sydney Bryant, Fact Sheet: The SAVE Act: Overview and Facts, CENTER FOR AMERICAN PROGRESS (Jan. 31, 2025), <https://www.americanprogress.org/article/the-save-act-overview-and-facts/>.

**Certified Birth Certificates:** The SAVE Act places a high premium on birth certificates as tools to ensure one’s right to vote. Going on decades, many Americans do not possess certified copies of their birth certificates;<sup>130</sup> and, in general, it costs money to obtain a birth certificate from their local government.<sup>131</sup> And reliance on birth certificates for voter registration is highly problematic. First, Latinos often have multiple surnames, which are not always accurately inscribed on their birth records. Second, approximately 69 million American women have surnames that differ from the surnames on their birth certificates because of legally changing their names for marriage, divorce, or gender transition.<sup>132</sup> Third, elderly citizens—sometimes born outside of hospitals because of lack of proximity/access, racial segregation, or finances—often lack accurate, or official copies of their birth certificates. This means older, rural, poor, and citizens of color face a major administrative hurdle,<sup>133</sup> including “countless older Black voters born in the Jim Crow South whose births were never recorded because of the very system of segregation the Reconstruction amendments were designed to dismantle.”<sup>134</sup> Fourth, voters born to U.S. citizens abroad, like active military service members, diplomats, and expats, may encounter trouble acquiring their birth certificates from the U.S. territories or the foreign countries of their birth.

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130 See Kevin Morris & Cora Henry, Millions of Americans Don’t have Documents Proving Their Citizenship Readily Available, BRENNAN CTR. FOR JUSTICE (June 11, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>; Citizens Without Proof: A Survey of Americans’ Possession of Documentary Proof of Citizenship and Photo Identification, BRENNAN CTR. FOR JUSTICE (Nov. 2006), [https://www.brennancenter.org/sites/default/files/legacy/d/download\\_file\\_39242.pdf](https://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf).

131 For instance, a certified birth certificate costs \$22 in Texas (Texas Department of Health and Human Services, <https://www.dshs.texas.gov/vital-statistics/costs-fees#birth>), \$34 in Los Angeles (County of Los Angeles Department of Public Health, [http://publichealth.lacounty.gov/dca/dcabirth.htm#:~:text=Requests%20can%20be%20made%20in,certified%20birth%20record%20is%20\\$34.00](http://publichealth.lacounty.gov/dca/dcabirth.htm#:~:text=Requests%20can%20be%20made%20in,certified%20birth%20record%20is%20$34.00)), and \$22 in Washington, DC (Washington, D.C. Department of Health, <https://dchealth.dc.gov/page/vital-records-fee-schedule-html>).

132 Greta Bedekovics & Sydney Bryant, The SAVE Act Would Disenfranchise Millions of Citizens, CENTER FOR AMERICAN PROGRESS (Jan. 31, 2025), <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>. Some of the SAVE Act bills attempt to address this issue, as we discussed in Section V. A. and in our chart above.

133 Kandiss Edwards, Black Woman Born Pre-Segregation Cannot Obtain REAL ID, BLACK ENTERPRISE (May 7, 2025), <https://www.blackenterprise.com/black-woman-real-id-palmer/>.

134 Diamond Brown & Melody Doodoo, Every Expansion of Democracy Has Faced Backlash, THE CONTRARIAN (Mar. 6, 2026), <https://www.contrariannews.org/p/every-expansion-of-black-democracy>.

## **B. THE SAVE ACT'S BURDENS WILL DISPROPORTIONALLY AFFECT MANY MARGINALIZED AMERICANS**

In addition to the barriers to access we discussed above, the SAVE Act would impose massive additional compliance costs on large swaths of already-marginalized citizens: they will pay in time waiting at various state agencies for individual records, transport costs traveling to and from agencies, and fees for each required record and the voter registration itself.<sup>135</sup> They must purchase certified birth certificates, a problem for folks born in under-resourced territories like Puerto Rico<sup>136</sup> or who were not born in a hospital, or who were born long ago.<sup>137</sup>

This will be particularly hard for working class Americans, a group that comprises approximately 63% of the voting eligible populace.<sup>138</sup> The requirement to present a passport or other restrictive identification record to register to vote, or renew registration, poses a significant financial hurdle as passports cost approximately \$130 to obtain.<sup>139</sup> And only one out of four Americans with a high school degree, and only 20% of households with income below \$50,000, has a passport.<sup>140</sup>

Similarly, the SAVE Act will impact an estimated 60 million rural voters.<sup>141</sup> The legislation's requirement that citizens register to vote in person at designated offices means many rural Americans will need to travel long distances—and incur significant financial burdens—to vote.<sup>142</sup> This requirement will fall particularly hard on rural Latino communities with weak political infrastructure. Political parties, unions, and nonprofits often focus their outreach where they already have inroads—established hubs like Los Angeles or Miami. But in newer Latino communities, like parts of the Midwest or Mountain West, that outreach is thin to nonexistent. Consider Idaho, where Latinos make up around 13% of the population, yet strong Latino political mobilization does not exist.<sup>143</sup> It is in these “low-touch” rural sectors—where people may be voting for the first time, navigating language barriers, and unfamiliar bureaucratic hurdles—that the SAVE Act's burdens would hit hardest.

Finally, as briefly raised above, citizens who legally change their names will face major hurdles under the SAVE Act. The greatest impact will be to married women. An overlooked demographic will be citizens who legally changed their names as part of a gender transition or change in identity. Nonbinary and transgender

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135 See Christopher Wiggins, How the SAVE Act Republicans are touting will disenfranchise married & LGBTQ+ Americans, *ADVOCATE* (Feb. 23, 2026), <https://www.advocate.com/politics/national/save-act-lgbtq-voters>; Holly Corbett, Why The SAVE America Act Could Create New Obstacles for Millions of Voters, *FORBES* (updated Feb. 13, 2026), <https://www.forbes.com/sites/hollycorbett/2026/02/13/how-the-save-america-act-could-block-millions-of-eligible-voters/>; Greta Bedekovics & Sydney Bryant, The SAVE Act Would Force Many Rural Americans to Drive Hours to Register to Vote, *CENTER FOR AMER. PROGRESS* (Feb. 28, 2025), <https://www.americanprogress.org/article/the-save-act-would-force-many-rural-americans-to-drive-hours-to-register-to-vote/>. Even so, state legislatures might authorize new transaction fees to underwrite the increased personnel and service costs.

136 See generally Low Marks for Puerto Rico on Transparency and Access to Information, *NAT'L FREEDOM OF INFO. CTR.* (accessed Mar. 15, 2025), <https://www.nfoic.org/blogs/low-marks-puerto-rico-transparency-and-access-information/>; Rafael Diaz Torres, Few Changes Made in Puerto Rico to Access Health Information and Services in a Hurricane, *CENTRO DE PERIODISMO INVESTIGATIVO* (Mar. 24, 2022) <https://periodismoinvestigativo.com/2022/03/few-changes-made-in-puerto-rico-to-access-health-information-and-services-when-the-next-hurricane-hits/>; Anita Chandra, *et. al.*, Health and Social Services in Puerto Rico Before and After Hurricane Maria, 9 *Rand Health, Q.* 10 (2021) <https://pmc.ncbi.nlm.nih.gov/articles/PMC8383835/>; Alexia Fernandez Campbell, Puerto Rico's Hurricane Maria deaths: judge orders release of death certificates, *VOX* (June 5, 2018), <https://www.vox.com/2018/6/5/17429708/puerto-rico-hurricane-maria-death-toll-records-cnn-cip>.

137 Kandiss Edwards, Black Woman Born Pre-Segregation Cannot Obtain REAL ID, *BLACK ENTERPRISE* (May 7, 2025), <https://www.blackenterprise.com/black-woman-real-id-palmer/>.

138 Ted Fertik, Class and Worldview: A Report on the Multiracial Working Class, *Working Families Power & HITStrategies* 5 (Sept. 2024), <https://workingfamiliespower.org/wp-content/uploads/2024/09/Class-and-Worldview.pdf>.

139 Holly Corbett, Why The SAVE America Act Could Create New Obstacles for Millions of Voters, *FORBES* (updated Feb. 13, 2026), <https://www.forbes.com/sites/hollycorbett/2026/02/13/how-the-save-america-act-could-block-millions-of-eligible-voters/>.

140 Gréta Bedekovics & Sydney Bryant, The SAVE Act Would Disenfranchise Millions of Citizens, *CENTER FOR AMERICAN PROGRESS* (Jan. 26, 2026), <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>.

141 Gréta Bedekovics & Sydney Bryant, The SAVE Act Would Force Many Rural Americans to Drive Hours to Register to Vote, *CENTER FOR AMERICAN PROGRESS* (Feb. 28, 2025), <https://www.americanprogress.org/article/the-save-act-would-force-many-rural-americans-to-drive-hours-to-register-to-vote/>.

142 *Id.*

143 Carolyn Komatsoulis, Idaho's only Latina legislator talks education, immigration, *IDAHO STATESMAN* (Oct. 17, 2024), <https://www.idahostatesman.com/news/politics-government/state-politics/article292443744.html>.

Americans hail from every race, ethnicity, and creed in the U.S. and serve in every sector including the U.S. military, Congress, federal agencies, medicine, law, and corporate America.<sup>144</sup> They are also targeted by the current administration and some strident politicians.<sup>145</sup> Therefore Latino non-binary and transgender citizens would be doubly impacted by the SAVE Act.

The SAVE America Act attempts to address some of the problems related to name changes. For example, it would allow people trying to register under their married name to provide additional documentation “as necessary” to establish the applicant’s identity or to sign an affidavit attesting to the name change—as opposed to forcing them to present evidence from the government. But implementation of this provision is dependent on guidance issued by the Elections Assistance Commission, which could still be burdensome. Any additional paperwork will make it notably harder, for instance, for married women who have changed their names to vote. Additionally, the bill punts the implementation to the states, and states may well require additional complexities to the process.<sup>146</sup>

The goal of increasing election security is not inherently problematic. Neither is requiring proof of citizenship to vote, so long as it doesn’t unfairly and unlawfully burden access to voting. But while the SAVE Act purports to address election security, in truth it revives *La Gran Mentira* in order to stoke fear and confusion. SAVE Act sponsor Rep. Chip Roy, claimed “millions of illegal aliens [who] remain in our country illegally and many have been given the opportunity to register to vote in elections.”<sup>147</sup> His references to “illegal aliens” who vote is a tired dog whistle for the burgeoning Latino electorate. The false rhetoric around immigrant voting distorts the size of the ineligibility problem, leading to unnecessarily broad legislative “solutions” like the SAVE Act that do little to combat any actual problems while suppressing democratic participation, particularly among minority voters and naturalized citizens. Indeed, its strict provisions would become voter suppression by design, exploiting the absence of civic support to quietly disenfranchise the fastest growing segments of the electorate.

As the Bipartisan Policy Center describes it:

Both parties agree that voter registration should permit all eligible citizens—and only eligible citizens—to register and vote. Although instances of noncitizen registration and voting are rare, the SAVE Act’s goal of ensuring that only citizens can register to vote is important. But there are easier, more cost-effective ways to improve voter registration that don’t create new barriers for eligible voters.<sup>148</sup>

Using the narrative of ineligible immigrant voting to address a problem that does not exist fuels election fraud conspiracy theories, eroding faith in the validity of our elections. Lies about minority communities’ exercising their right to vote have been used for generations to attack Black and Brown people in the U.S. They have not just silenced individual voters, but have actively suppressed the political power of entire communities, effectively limiting their ability to influence policies that directly affect their lives.

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144 E.g. Joe Yurbaba, Sarah McBride becomes the first out transgender person elected to Congress, NBC NEWS (Nov. 5, 2024), <https://www.nbcnews.com/nbc-out/out-politics-and-policy/sarah-mcbride-first-transgender-congress-delaware-rcna177878>; Matt Lavietes, Dr. Rachel Levine becomes nation’s first transgender four-star officer, NBC NEWS (Oct. 19, 2021), <https://www.nbcnews.com/nbc-out/out-health-and-wellness/dr-rachel-levine-becomes-nations-first-transgender-four-star-officer-rcna3283>.

145 E.g., Map, Bans on Transgender People Using Public Bathrooms and Facilities According to their Gender Identity, MOVEMENT ADVANCEMENT PROJECT (accessed Mar. 15, 2026), [https://www.lgbtmap.org/equality-maps/nondiscrimination/bathroom\\_bans](https://www.lgbtmap.org/equality-maps/nondiscrimination/bathroom_bans); Nina Totenberg & Christina Gatti, Supreme Court upholds Trump’s ban on transgender military members while appeals continue, NPR (May 6, 2025), <https://www.npr.org/2025/05/06/nx-s1-5388507/supreme-court-transgender-military/>.

146 SAVE America Act, Sec. 2(f).

147 Press Release, Rep. Roy reintroduces bill to protect the integrity and sanctity of American elections (Jan 7, 2025), <https://roy.house.gov/media/press-releases/rep-roy-reintroduces-bill-protect-integrity-and-sanctity-american-elections>.

148 Wren Orey, *et al.*, Five Things to Know About the SAVE Act, BIPARTISAN POLICY CTR. (July 10, 2024), <https://bipartisanpolicy.org/blog/five-things-to-know-about-the-save-act/>.

## C. EXECUTIVE ORDER AND DEPARTMENT OF JUSTICE (DOJ) LEGAL ACTIONS

Separately, President Trump unsuccessfully sought to impose DPOC requirements unilaterally by executive order. Shortly after taking office for the second time, President Trump, on March 25, 2025, signed Executive Order No. 14248, entitled “Preserving and Protecting the Integrity of American Elections,” to unilaterally direct federal officials to deploy “documentary proof of citizenship” requirements in federal elections. In *LULAC v Executive Office of the President*, a federal district court struck down key provisions of President Trump’s anti-voting executive order holding that “our Constitution assigns responsibility for election regulation to the States and to Congress.” That court blocked President Trump’s attempts to direct the Election Assistance Commission to add a “documentary proof of United States citizenship” to the Federal Form—a national uniform voter registration form.<sup>149</sup> In a separate case, *California v. Trump*, a federal district court judge blocked a provision that ordered the Secretary of Defense to add a DPOC requirement to the registration form for military and overseas voters.<sup>150</sup> In a third case, *Washington v. Trump*, a federal district court struck down various other provisions of the Executive Order.<sup>151</sup> These cases, which address similar issues, are at various stages in federal courts at both the trial and appellate levels.<sup>152</sup>

The Department of Justice has also, as part of their overarching goal of intimidating Latino and other voters, launched an unprecedented pressure campaign to coerce states into surrendering their sensitive, unredacted voter registration rolls. In a confidential Memorandum of Understanding, DOJ demands states provide them with “an electronic copy of your state’s complete statewide Voter Registration List,” in order to “test, analyze, and assess states’ VRLs for proper list maintenance and compliance with federal law.”<sup>153</sup> DOJ has sent these requests for complete voter registration lists to at least 48 states and Washington, DC.<sup>154</sup> Most states have provided a publicly available version, or have not provided the voter registration lists at all. In response, DOJ has sued at least 29<sup>155</sup> states—and Washington DC—that refused to surrender their citizens’ private data.<sup>156</sup> Despite this aggressive push, the federal government has faced significant legal setbacks; federal judges in several states, including California,<sup>157</sup> Oregon,<sup>158</sup> and Michigan,<sup>159</sup> have outright dismissed the DOJ’s lawsuits after ruling that the administration lacks the statutory authority to centralize unredacted state voter files.<sup>160</sup>

This campaign of intimidation hasn’t ended in the courts. Following the murders of Renee Good and Alex Pretti, Attorney General Pam Bondi sent a letter to Minnesota Governor Tim Walz effectively saying that if

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149 *LULAC v Executive Office of the President*, No. 25-CV-0946, 2026 BL 31855 (D.D.C., Jan. 30, 2026) (consolidating *Democratic National Committee v. Donald J. Trump et. al.*, and *League of Women Voters Education Fund, et. al., v. Donald J. Trump, et. al.*), available at [https://f9c23fd5-1644-4a5f-a561-d04e6b5736d6.usrfiles.com/ugd/f9c23f\\_51bb1197b07f4361b188fdf8e67fd64e.pdf](https://f9c23fd5-1644-4a5f-a561-d04e6b5736d6.usrfiles.com/ugd/f9c23f_51bb1197b07f4361b188fdf8e67fd64e.pdf).

150 *California v. Trump (California I)*, 786 F. Supp. 3d 359 (D. Mass. 2025); *California v. Trump (California II)*, 2025 WL 2663106 (D. Mass. Sep. 17, 2025).

151 *Washington v. Trump*, No. 25-CV- 00602 (D.W.D. Wash. Jan. 9, 2026).

152 For a comprehensive review of these cases see Eliza Sweren-Becker, Status of Trump’s Anti-Voting Executive Order, BRENNAN CTR. FOR JUSTICE (Mar. 4, 2026), <https://www.brennancenter.org/our-work/research-reports/status-trumps-anti-voting-executive-order>.

153 Department of Justice, Confidential Memorandum of Understanding, <https://www.brennancenter.org/media/14806/download/2025-12-01-doj-mou-to-colorado.pdf?inline=1>.

154 Andrew Garber, Federal Courts Reject Trump Administration’s Attempts to Obtain Private Voter Information, BRENNAN CTR. FOR JUSTICE (Mar. 3, 2026), <https://www.brennancenter.org/our-work/analysis-opinion/federal-courts-reject-trump-administrations-attempts-obtain-private-voter>.

155 Mike W. Ray, Oklahoma among 29 states sued by U.S. Justice Dept. for voter registration information, SOUTHWEST LEDGER (Mar. 3, 2026) <https://www.southwestledger.news/news/oklahoma-among-29-states-sued-us-justice-dept-voter-registration-infomation>.

156 Andrew Garber, Federal Courts Reject Trump Administration’s Attempts to Obtain Private Voter Information, BRENNAN CTR. FOR JUSTICE (Mar. 3, 2026), <https://www.brennancenter.org/our-work/analysis-opinion/federal-courts-reject-trump-administrations-attempts-obtain-private-voter>.

157 *U.S. v. Weber et. al.*, Case No. 2:25-cv-09149-DOC-AD, (C.D.Cal. Jan. 15, 2026), <https://www.brennancenter.org/media/14943/download/128-court-granted-defendant-and-intervenors-mtd-2026-01-15.pdf?inline=1>.

158 *U.S. v. Oregon, et. al.*, Case No. 6:25-cv-01666-MTK (D. Or. Feb. 5, 2026), <https://www.brennancenter.org/media/15137/download/073-court-opinion-2026-02-05.pdf?inline=1>.

159 *U.S. v. Benson*, Case No. 1:25-cv-1148 (W.D. Mich. Feb. 10, 2026) <https://www.brennancenter.org/media/15189/download/067-court-opinion-granting-mtd-2026-02-10.pdf?inline=1>.

160 Kaylie Martinez-Ochoa, et al., Tracker of Justice Department Requests for Voter Information, BRENNAN CTR. FOR JUSTICE (Mar. 10, 2026), <https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information>.

Walz were to “allow the Civil Rights Division of the Department of Justice to access voter rolls” (and other sensitive data),<sup>161</sup> the DOJ might wind down their presence in the state because handing over these documents would “help bring back law and order to Minnesota.”<sup>162</sup> This not-so-veiled attempt at a quid pro quo did not sit well.<sup>163</sup> Secretary of State Steve Simon called it an “unlawful request a[s] part of an apparent ransom to pay for our state’s peace and security,” and “an outrageous attempt to coerce Minnesota into giving the federal government private data on millions of U.S. Citizens in violation of state and federal law.”<sup>164</sup>

In anticipation of the midterm elections, there is also an increasing fear that President Trump may draw on federal law enforcement and military troops to deploy at federal polling locations in an effort to intimidate Latino voters from exercising their right to vote. This is not an idle concern. Since taking office, Trump has deployed the national guard in Los Angeles and Washington, D.C., and ICE and CBP in Minnesota—all under the pretext of restoring law and order—but really for purposes of executing his immigration agenda, conducting raids on stores, schools, homes, and workplaces across our communities.<sup>165</sup> Throughout his term, masked ICE and CBP agents<sup>166</sup> have indiscriminately arrested men, women, and children.<sup>167</sup> These arrests include people who are legally present in the country, people who have committed no crimes, and even American citizens.<sup>168</sup>

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161 See Letter from Attorney General Pamela Bondi to Minnesota Governor Tim Walz (Jan. 24, 2026), 2-3, <https://www.sos.mn.gov/media/wihf4a05/ag-bondi-gov-walz-letter-012426.pdf>.

162 *Id.*

163 Statement from Minnesota Secretary of State Steve Simon (Jan. 25, 2026), <https://www.sos.mn.gov/about-the-office/news-room/statement-from-secretary-simon/>.

164 *Id.*

165 See Immigration Detention Expansion in Trump’s Second Term, AMERICAN IMMIGRATION COUNCIL (Jan. 2026), <https://www.americanimmigrationcouncil.org/report/immigration-detention/>; see also HIAS Staff, The ICE Raids – What You Need to Know, HIAS (Feb. 20, 2026), <https://hias.org/news/ice-raids-what-you-need-know/>.

166 Walter Olson, ICE Agents Routinely Mask Up When Seizing People—That’s Wrong, CATO INST.: CATO AT LIBERTY (May 12, 2025), <https://www.cato.org/blog/ice-agents-seizing-people-now-routinely-wear-masks-thats-wrong>; see also Press Release, Human Rights Watch, US: Masked Federal Agents Undermine Rule of Law, Increases Aura of Lawlessness, Terror in Abusive Immigration Arrests (Dec. 18, 2025), <https://www.hrw.org/news/2025/12/18/us-masked-federal-agents-undermine-rule-of-law>.

167 Laura Romero, 5-year-old asylum seeker detained as ICE expands enforcement in Minnesota, ABC NEWS (Jan. 22, 2026), <https://abcnews.com/US/5-year-asylum-seeker-detained-ice-expands-enforcement/story?id=129451987>.

168 Nicole Foy, We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They’ve Been Kicked, Dragged and Detained for Days, PROPUBLICA (Oct. 16, 2025), <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>; see also Will Craft, Worst of the worst Most US immigrants targeted for deportation in 2025 had no criminal charges, documents reveal, THE GUARDIAN (Feb. 22, 2026), <https://www.theguardian.com/us-news/2026/feb/22/us-immigration-trump-administration>; José Olicares & Will Craft, *Immigrants* with no criminal record now largest group in ICE detention, THE GUARDIAN (Sep. 26, 2025), <https://www.theguardian.com/us-news/2025/sep/26/immigrants-criminal-record-ice-detention>.

# VI. CONCLUSION: HOW TO DEFEAT *LA GRAN MENTIRA*— IN 2026 AND BEYOND

The Second Big Lie of immigrant voting presents dangers for the short-term—that is, for the 2026 election—and for the long-term. The immediate risk is that Trump and his allies will use false claims of ineligible immigrant voting to intimidate and scare away Americans—and particularly Latinos—who want to vote—all while setting the stage to label the election a fraud and challenge the results politically and legally. (That Trump will try to do this is seemingly inevitable; whether he succeeds is thankfully far less certain.) Indeed, it appears that the administration and their allies<sup>169</sup> may be willing to use ICE and CBP—its private army—to patrol voting locations in various states.<sup>170</sup> And as we have seen in Minnesota, Los Angeles, Chicago, and other cities and states across the country, ICE and CBP will quickly and recklessly resort to blatantly illegal, deadly, and unconstitutional tactics to execute their mission.<sup>171</sup> If they are allowed to conduct raids, arrest voters, or even simply threaten to do so by overseeing polling places, it is almost inevitable that thousands of Latino Americans will find it too dangerous to vote in person. It is therefore critical that we take action—now and throughout this election cycle—to stop such blatantly anti-democratic attacks on our elections.

This short-term danger is, of course, a long-term problem as well. Trump’s lies, and the Republican party’s willingness to repeat them, will certainly empower future candidates to follow the same election fraud conspiracy playbook in future elections. Even more insidious, however, is the near certainty that policymakers will use the myth of ineligible immigrant voting to pass further discriminatory legislation to suppress the votes and voices of Latinos and other peoples of color, and ultimately undermine Americans’ confidence in democracy itself. We must not allow that reality to come to pass unchallenged.

## A. MEDIA AND PUBLIC INFORMATION SOLUTIONS

A starting point for combatting lies about immigrant voting is to fight falsity with truth. The media is the first, and most important front in this battle, as it plays a crucial role in promoting truth and ensuring that accurate information reaches the public. It is critical that fact-checking platforms like Politifact and FactCheck.org continue to prioritize debunking myths related to immigrant voting. Public advocacy organizations can spearhead campaigns to educate citizens on the realities of the voter fraud conspiracy theories, emphasizing that ineligible immigrant voting is not a widespread issue. Nonpartisan nonprofit organizations like the Brennan Center, Protect Democracy, Democracy Docket, and the Voting Rights Lab have disseminated memos and reports about the myth of noncitizen voting<sup>172</sup>—and they must persist until reaching a saturation point, where persuadable Americans recognize that the claim is nothing more than a fabricated scare tactic.

It is not enough to simply debunk this lie, however. There is strong evidence that the very phrase “non-citizen

169 Alexa Ura, GOP Rep: ‘Why Should You Ban ICE From Being at Polling Places?’, THE HILL (Feb. 12, 2026), <https://www.thehill.com/homenews/house/5735693-jason-smith-polling-places-ice/>.

170 Brian Bennett, Bannon Calls on Trump to Send ICE to the Polls; White House Doesn’t Rule It Out, TIME (Feb. 4, 2026), <https://time.com/7371900/steve-bannon-ice-election-donald-trump-leavitt/>.

171 Alejandro Serrano, *et al.*, Texan Shot Dead by ICE Agent Months Before Killings in Minneapolis, RECORDS SHOW, TEXAS TRIBUNE (Feb. 20, 2026), <https://www.texastribune.org/2026/02/20/texas-ice-fatal-shooting-south-padre-island/>; Melissa Hellmann, Eight People Have Died in Dealings With ICE So Far in 2026. These Are Their Stories, THE GUARDIAN (Jan. 28, 2026), <https://www.theguardian.com/us-news/2026/jan/28/deaths-ice-2026->.

172 Michael Waldman, Why the Myth of Noncitizen Voting Persists, BRENNAN CTR. FOR JUSTICE (Aug. 21, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/why-myth-noncitizen-voting-persists>; Anna Dorman & Kenneth Parreno, Noncitizen voting lies, explained, PROTECT DEMOCRACY (Sept. 10, 2024), <https://protectdemocracy.org/work/noncitizen-voting-lies-explained/>; Courtney Cohn, Debunking the Myths Surrounding Noncitizen Voting, DEMOCRACY DOCKET (July 9, 2024), <https://www.democracymocket.com/analysis/debunking-the-myths-surrounding-noncitizen-voting/>; The Truth about False Claims of Noncitizen Voting, VOTING RIGHTS LAB (Mar. 13, 2024), <https://votingrightslab.org/2024/03/13/analysis-the-truth-about-false-claims-of-noncitizen-voting/>.

voting” can be counterproductive even when it is being used in the context of a fact check. That’s because, as studies have repeatedly shown, information that feels more familiar registers as more credible—and words that people hear frequently are familiar. So, counterintuitively, publicly repeating the phrase “noncitizen voting” risks making people think that noncitizens are actually voting.

That’s why it’s critical to go on offense to defeat this lie. For example, it’s important to frame the issue in a way that avoids adding legitimacy to the claim—and a good place to start is to portray it as part of broader election fraud conspiracies, lies about voting, and baseless accusations against immigrants. Positioning these claims within the realm of misinformation and discrimination redirects the conversation toward facts rather than lending credence to the false narrative itself.

The fight will also play out online, as lies and fabrications can spread to tens of millions of people in a matter of seconds. That’s why social media platforms like Facebook, Twitter (X), TikTok, and others must embrace their responsibility to combat misinformation—including by working with civil society and other organizations to flag, correct, and remove false claims about immigrant voting. Regrettably, the trend has not been positive in that regard.

Moreover, simply removing these lies is not enough: there must be a concerted offensive online—and that starts with social media influencers. These individuals often have audiences who are open and engaged and can range in the millions. They should be provided with accurate information, briefed on how to convey it, supported and amplified. The roles social media platforms play in identifying and inhibiting the spread of misinformation has been hotly debated in recent years, and arguably these companies have been moving in the wrong direction. Nevertheless, social media platforms must play a critical role in fighting election fraud conspiracy theories.

Finally, partnering with journalists can be a powerful way to expose the truth behind the concerted campaign to elevate these anti-immigrant lies. Investigative journalists can dig into the data and highlight the gap between political rhetoric and reality, showcasing how frequently these claims are exaggerated or entirely fabricated. They can investigate and expose the people and institutions guiding this lie, bringing people into the light who would rather operate in the dark. By presenting well-researched reports, journalists can help dispel myths and encourage a fact-based public discourse. And it is critical that the democracy movement partners with local media, as Americans trust local news and newspapers more than national outlets.<sup>173</sup>

## **B. VOTER OUTREACH AND EDUCATION**

Studies repeatedly demonstrate that the best way to change someone’s mind or to dispel myths and falsities is for their neighbors, friends, or family to talk with them.<sup>174</sup> That is precisely why local peer-to-peer networks such as Nextdoor or neighborhood Facebook groups, are such effective platforms for actually changing minds. They don’t just provide information without context: they reach a targeted audience with accurate information from trusted sources. The democracy movement must make use of these networks to provide fact-based narratives that counter lies about immigrant voting, reframing the issue as attacks on local immigrants, neighbors, even friends.

This is not to say that general voter outreach and education aren’t critical tools in combating misinformation about noncitizen voting; they are. Grassroots organizations, especially civil rights and political organizations,

173 Suzanne S. LaPierre, Trust in news varies by source and demographics, DIGITAL CONTENT NEXT (Aug. 13, 2024), <https://digitalcontentnext.org/blog/2024/08/13/trust-in-news-varies-by-source-and-demographics/>.

174 See, e.g., David Brockman & Joshua Kalla, Durably reducing transphobia: A field experiment on door-to-door canvassing, 352 Science 220–24 (2016), <https://pubmed.ncbi.nlm.nih.gov/27124458/>; Arnaud Gagneur, Motivational interviewing: A powerful tool to address vaccine hesitancy, 46 Can. Commun. Dis. Rep. 93–97 (2020), <https://pubmed.ncbi.nlm.nih.gov/32281992/>; Brian Resnick, How to talk someone out of bigotry, VOX (Jan. 29, 2020), <https://www.vox.com/2020/1/29/21065620/brockman-kalla-deep-canvassing>

play a pivotal role in ensuring that communities are well-informed about voter eligibility and registration requirements. These organizations can help dispel persistent myths about noncitizen voting by applying election-style organizing programs to meet people where they are and get them the information they need. By providing local volunteers with clear, accurate information and easy to convey talking points, they can begin the process of truly changing minds. This should include educating voters about the laws that explicitly prohibit noncitizens from participating in elections, while also reframing the issue as part of a larger pattern of election fraud conspiracies designed to suppress voter participation and sow doubt about the integrity of the electoral system.

## C. LEGAL AVENUES

Litigation can be an effective weapon to fight immigrant voting lies. One particularly powerful approach is to file lawsuits to challenge restrictive voting laws that use the fear of noncitizen voting as a pretext to disenfranchise legitimate voters. For example, legal challenges such as *La Union Del Pueblo Entero, et al. v. Abbott, et al.* have challenged discriminatory voter ID laws that make it harder for certain groups, including minorities and immigrants, to exercise their right to vote. And victories also serve as a public demonstration that the myth of ineligible immigrant voting is actually a ruse intended to disenfranchise communities of color. This strategy does not always work, of course, as we saw in the recent Supreme Court decision upholding Virginia’s voter purge that will likely remove eligible voters from the rolls.<sup>175</sup> But it often does succeed.

In 2021, Texas passed Senate Bill 1, “sweeping legislation that further tightens state election laws.”<sup>176</sup> While pushing the bill, Texas Governor Greg Abbott and Attorney General Ken Paxton emphasized how the bill was needed to protect against voter fraud, including noncitizen voting.<sup>177</sup> A federal court in San Antonio issued three rulings striking down key provisions of the anti-voter law.<sup>178</sup> The Texas law banned compensated assistance, added canvassing restrictions, and narrowed the class of eligible assistors—making it harder for people to obtain voting help and deterring voters from exercising their rights. Although the District Court’s ultimate decisions did not directly address noncitizen voting, the court did temporarily nullify an unnecessary law that was likely to discriminate against minority voters. While the Fifth Circuit reversed elements of the District Court’s rulings,<sup>179</sup> the case remains an example of challenging discriminatory voter laws based in part on the fallacy that ineligible immigrants are voting.

Another legal option is to submit amicus briefs in pending litigation. Advocacy groups like the ACLU and the Brennan Center for Justice have successfully used this tool to support court cases that challenge voter suppression efforts. By filing amicus briefs in cases related to voting rights, these organizations provide the courts with critical data and expert analysis that reveal the truth of noncitizen voting and expose the discriminatory nature of restrictive laws. These briefs can help shift the narrative in courtrooms by framing noncitizen voting claims as part of broader election fraud conspiracies designed to suppress voter participation. And amicus briefs filed by leading Republican or conservative thinkers can also serve as a tool to demonstrate that the issues under consideration are not partisan.

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175 *Beals v. Virginia Coalition for Immigrant Rights*, 2024 WL 4608863 (U.S. 2024) (mem.) available at <https://www.justice.gov/crt/media/1376161/dl?inline>. See Amy Howe, Supreme Court allows Virginia to remove suspected non-citizens from voter rolls, SCOTUSBLOG (Oct. 30, 2024), <https://www.scotusblog.com/2024/10/supreme-court-allows-virginia-to-remove-suspected-non-citizens-from-voter-rolls/>.

176 Alexa Ura, Gov. Greg Abbott Signs Texas Voting Bill Into Law, Overcoming Democratic Quorum Breaks, TEXAS TRIBUNE (Sep. 7, 2021), <https://www.texastribune.org/2021/09/07/texas-voting-bill-greg-abbott/>.

177 Press Release, Office of the Texas Governor, Governor Abbott Signs Election Integrity Legislation Into Law (Sept. 7, 2021) (on file with author), <https://gov.texas.gov/news/post/governor-abbott-signs-election-integrity-legislation-into-law>; Press Release, Texas Office of the Attorney General, Paxton Defends Senate Bill 8 in the U.S. Supreme Court (Nov. 1, 2021) (on file with author), <https://www.texasattorneygeneral.gov/news/releases/paxton-defends-senate-bill-8-us-supreme-court>

178 *La Union del Pueblo Entero v. Abbott*, 618 F. Supp. 3d 504 (W.D. Tex. 2022); *La Union del Pueblo Entero v. Abbott*, 618 F. Supp. 3d 449 (W.D. Tex. 2022); *La Union del Pueblo Entero v. Abbott*, 618 F. Supp. 3d 388 (W.D. Tex. 2022).

179 See *La Union del Pueblo Entero v. Nelson*, 163 F.4th 239, 275 (5th Cir. 2025) (affirming the District Court’s denial of the Secretary’s motion to dismiss the many of the plaintiff’s Section 1983 claims while reversing others).

To take an example of where the strategy can be expected, on October 22, 2024, Texas Attorney General Paxton filed a suit against President Biden, alleging that the Department of Homeland Security had failed to help Texas determine the citizenship status of nearly half-a-million Texas voters.<sup>180</sup> The suit presented an opportunity for the Biden administration, as a party, and advocacy organizations, and prominent conservatives, as amici, to demonstrate how existing laws sufficiently protect against noncitizen voting and dispel myths about noncitizen voting.

As noted above, the federal courts have thus far rejected attempts by President Trump to unilaterally impose DPOC requirements, including in *LULAC v. Executive Office of the President* when a federal district court struck down key provisions of President Trump’s anti-voting executive order holding that “our Constitution assigns responsibility for election regulation to the States and to Congress.”<sup>181</sup> In a separate case, *California v. Trump*, a federal district court judge blocked a provision of the executive order that ordered the Secretary of Defense to add a DPOC requirement to the registration form for military and overseas voters.<sup>182</sup>

## D. LEGISLATIVE SOLUTIONS

Ultimately, the best way to combat election fraud conspiracies is to build a legal framework that ensures that everyone who is eligible to vote is able to vote easily, without interference or intimidation. While it is undeniably true that the legislation required to build such a framework is unlikely to pass as our Congress is currently constituted, it is nevertheless crucial if we are to mitigate the long-term dangers of election fraud conspiracies, including those related to immigrant voting. Passing new laws at the state or federal level takes time, but the positive prophylactic effects last for years.

At the federal level, legislators should champion bills like the John R. Lewis Voting Rights Advancement Act and the Freedom to Vote Act, both of which would restore and strengthen protections against discriminatory practices in elections—among many other critical things. Taken together, they would create a democratic system that uplifts rather than undermines the public’s voice. They would make it easier and safer to vote; they would make it harder for the super wealthy to drown out the public’s voice in elections; they would begin to rid the government of corruption and elevate the public’s voice in policy making by limiting the influence of special interests. And, critically, they would ensure the integrity of elections without suppressing votes, particularly among minority populations. Additionally, legislators can seek compromise in order to reform election bills by agreeing to provisions that bolster election integrity but ensuring those provisions do not unnecessarily inhibit voter registration or participation. Compromise proposals can also shift the typical narrative of the bill away from lies about immigrant voting, just as proper framing of voter protection laws generally can strike a balance between addressing election security without perpetuating false narratives. Policymakers generally have more ability to legislate at the state level—though that varies tremendously across the country.

With that in mind, legislators should focus on making voting simpler and easier. For instance, state legislators in states without universal, no-excuse mail or absentee voting should implement it. This will require a focus on public education to explain how universal mail balloting makes participation easier and safer with no increase in voter fraud and no bias towards one party.<sup>183</sup> Just as at the federal level, local lawmakers should

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180 Press Release, Texas Office of the Attorney General, Attorney General Ken Paxton Sues Biden-Harris Administration for Refusing to Verify the Citizenship Status of Potentially Ineligible Voters on Texas Voter Rolls (Oct. 22, 2024) (on file with author), <https://texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-sues-biden-harris-administration-refusing-verify-citizenship-status>.

181 *LULAC v. Executive Office of the President*, Civil Action No. 25-0946, 2026 BL 31855 (D.D.C. 2026) (consolidating *Democratic National Committee v. Donald J. Trump et. al.*, and *League of Women Voters Education Fund, et. al., v. Donald J. Trump, et. al.*), available at [https://f9c23fd5-1644-4a5f-a561-d04e6b5736d6.usrfiles.com/ugd/f9c23f\\_51bb1197b07f4361b188fdf8e67fd64e.pdf](https://f9c23fd5-1644-4a5f-a561-d04e6b5736d6.usrfiles.com/ugd/f9c23f_51bb1197b07f4361b188fdf8e67fd64e.pdf).

182 *State of California et al. v. Donald Trump et al.*, No. 25-cv-10810-DJC (D. Mass., 2025), available at <https://storage.courtlistener.com/recap/gov.uscourts.mad.282905/gov.uscourts.mad.282905.107.0.pdf>.

183 Andrew B. Hall *et al.*, Universal vote-by-mail has no impact on partisan turnout or vote share, PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA (June 9, 2020), <https://pubmed.ncbi.nlm.nih.gov/32518108/>.

work across the aisle to develop legislation that enhances election security without appealing to anti-immigrant lies. That could include bills that prioritize accurate voter information, strengthen registration processes, and expand access to the franchise—all of which are common sense proposals where Republicans and Democrats can find common ground. Similarly, state lawmakers should propose rescinding or amending existing voter ID laws that unfairly target minority populations.

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