

No. 25-1017

IN THE
Supreme Court of the United States

REPUBLICAN NATIONAL COMMITTEE,
Petitioner,

v.

MI FAMILIA VOTA, ET AL.,
Respondents.

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

**Brief *Amicus Curiae* of
America's Future,
Citizens United,
Citizens United Foundation,
The Presidential Coalition, LLC,
Gun Owners of America,
Gun Owners Foundation, and
Conservative Legal Def. and Ed. Fund
in Support of Petitioner**

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INTEREST OF THE *AMICI CURIAE*¹

Amici America's Future, Citizens United, Citizens United Foundation, Gun Owners of America, Gun Owners Foundation, and Conservative Legal Defense and Education Fund are nonprofit organizations, exempt from federal income tax under either section 501(c)(3) or 501(c)(4) of the Internal Revenue Code. The Presidential Coalition, LLC is a political committee.

These entities, *inter alia*, participate in the public policy process, including conducting research, and informing and educating the public on the proper construction of state and federal constitutions, as well as statutes related to the rights of citizens, and questions related to human and civil rights secured by law.

Some of these *amici* have filed *amicus* briefs addressing efforts to prevent noncitizen voting. See *DSCC v. Trump*, D.D.C. No. 1:26-cv-01114, Brief Amicus Curiae of America's Future, et al. (May 1, 2026); *California v. Trump*, 1st Cir. No. 25-1726, Brief Amicus Curiae of Citizens United, et al. (Oct. 14, 2025); and *Trump v. California*, U.S. Supreme Court No. 26A124, Brief Amicus Curiae of America's Future, et al. (August 3, 2026).

¹ It is hereby certified that no counsel for a party authored this brief in whole or in part; and that no person other than these *amici curiae*, their members, or their counsel made a monetary contribution to its preparation or submission.

STATEMENT OF THE CASE

Since 2004, Arizona law has required persons registering to vote to provide documentary proof of citizenship in the United States (“DPOC”) in order to vote. *See Vota v. Fontes*, 2023 U.S. Dist. LEXIS 247443 at *14 (D. Ariz. 2023) (“*Vota I*”). Persons wishing to register could do so using either the form produced by the federal government (the “Federal Form”), or a similar form produced by the state (the “State Form”). The Federal Form itself did not require the applicant to provide DPOC, requiring the applicant only to check a box to affirm American citizenship. *Id.* at *15-16.

In 2013, this Court held that the National Voter Registration Act (“NVRA”) preempted the DPOC Requirement as applied to persons registering to vote with the Federal Form, requiring Arizona to register Federal Form users without DPOC as Federal-Only Voters. *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 20 (2013) (“*ITCA*”). This Court ruled, however, that states “may require information the Federal Form does not” and may “be used to register voters in both state and federal elections.” *ITCA* at 12.

After this Court’s decision in *ITCA*, Arizona continued to reject State Forms that were not accompanied by DPOC. In 2018, the Arizona Secretary of State entered into a consent decree in a case brought by the League of United Latin American Citizens (“LULAC”), that required Arizona to treat Federal Form and State Form users the same when

registering applicants for federal elections (the “LULAC consent decree”).

Then in 2022, the Arizona legislature passed H.B. 2492, Ariz. Rev. Stat. § 16-121.01.² Three primary sections of the law are challenged here. § 4(C) requires that all registrants using the state form provide DPOC. *Vota I* at *21. § 5(A) provides that voters who fail to provide DPOC may not vote in presidential elections, and are not entitled to receive a mail-in ballot. *Id.* at *21-22. § 8(A)(10) requires county recorders to cancel the registration of any voter found not to be a U.S. citizen. *Id.* at *22. The legislature also passed H.B. 2243, Ariz. Rev. Stat. § 16-165, which also required county recorders to review voter records for accuracy and to purge noncitizens from the voter rolls, including within 90 days before an election, which is also challenged. *Id.* at *26.

In February 2023, the district court denied Defendants’ motion to dismiss, finding that Plaintiffs had stated a claim for violations of the NVRA and the Voting Rights Act, as well as a constitutional claim for impacting the right to vote. *Vota I*. In September 2023, the district court granted partial summary judgment to Plaintiffs, finding that the NVRA “preempts H.B. 2492’s (1) DPOR [documentary proof of location of residence] requirement; (2) restriction on voting in presential elections; and (3) restriction on mail-in voting” and “forecloses enforcement of the Voting Laws’ systematic purge provisions within 90

² This law effectively removed the predicate for the LULAC consent agreement.

days of any federal elections.” *Mi Familia Vota v. Fontes*, 691 F. Supp. 3d 1077, 1088 (D. Ariz. 2023) (“*Vota II*”).

In February 2024, after a bench trial, the district court resolved most of the remaining contentions in Plaintiffs’ favor. Where state law provided authority to conduct periodic citizenship checks both on naturalized citizen registrants generally, as well as all “State Form” registrants who failed to provide DPOC, the district court struck down the naturalized citizen checks as preempted by the Civil Rights Act and the NVRA for treating naturalized and native-born citizens differently. *Vota v. Fontes*, 719 F. Supp. 3d 929, 1018, 1019 (D. Ariz. Feb 29, 2024) (“*Vota III*”). The court also ruled that “section 6 of the NVRA preempts H.B. 2492’s DPOC Requirement for voting in presidential elections or by mail.” *Id.* at 951, n. 12. Finally, the court ordered that the state “must abide by the LULAC Consent Decree and may not reject State Forms not accompanied by DPOC if the registrant is otherwise found qualified to vote.” *Id.* at 950, n. 10. However, it found that “Plaintiffs have not carried their burden to show that the ... DPOC requirements [generally], and registration cancellation procedures violate the NVRA or the VRA.” *Id.* at 1018-19.

In May 2024, the district court enjoined enforcement of the challenged statutes it had earlier found to be preempted. *Vota v. Fontes*, 2024 U.S. Dist. LEXIS 89843 (D. Ariz. 2024) (“*Vota IV*”).

On appeal, “[t]he Republican National Committee, Toma, and Petersen ... appeal[ed] the district court’s holdings about claimed violations of the NVRA, the LULAC Consent Decree, and the Civil Rights Act.” *Mi Familia Vota v. Fontes*, 129 F.4th 691, 701 (9th Cir. 2025) (“*Vota V*”). With the change in administrations, the United States now supports Petitioners’ position in this Court, and has filed a brief in support.

A divided Ninth Circuit panel went further than the district court in striking down the Arizona law. Over a spirited dissent from Judge Bumatay, the court ruled that because Arizona required DPOC to vote by mail in federal elections, “the requirement of DPOC to vote by mail conflicts with Section 6 of the NVRA and so that provision of H.B. 2492 is preempted....” *Vota V* at 710.

The Ninth Circuit added that “[r]equiring DPOC to vote in presidential elections is expressly preempted by the NVRA, which requires states to ‘accept and use’ the federal form ‘for the registration of voters in elections for Federal office.’” *Id.* at 711. The court found that the NVRA, which prohibits removing ineligible voters from the rolls within 90 days of an election for fear of mistakenly removing eligible voters, prevented Arizona from removing aliens as well, within 90 days before an election. *Id.* at 716-17. The court upheld the district court’s determination that running citizenship checks on naturalized citizens only unlawfully discriminated between naturalized and native-born citizens. *Id.* at 715.

The Circuit Court likewise ruled that a change to state law could not reverse the effect of the LULAC consent decree, and thus the state could not require recorders to reject “State Form” applications without DPOC. *Id.* at 718-19.

SUMMARY OF ARGUMENT

In 2022, the State of Arizona enacted H.B. 2243 and H.B. 2492 for the purpose of enforcing federal and state laws preventing noncitizens from registering to vote and voting in federal elections. The courts below ruled that key provisions of both statutes are preempted by the National Voter Registration Act (“NVRA”) and enjoined their enforcement. H.B. 2492 requires that applicants for registration must provide documentary proof of citizenship with a form adopted by the State. Failure to do so precludes the applicant from receiving a mail-in ballot. It also requires cancellation of the registration of noncitizens by county recorders. H.B. 2243 requires county recorders to review voter registration records, even within the 90-day window before an election, and to purge noncitizens who had registered illegally.

The Ninth Circuit’s ruling that the challenged statutes are preempted by the NVRA is badly flawed for several reasons. First, preemption is never presumed; the intent to preempt must have been clearly established by Congress. Second, this Court had stated in its 2013 *ITCA* decision that States are allowed to require information from applicants in addition to what the NVRA required. Third, the Ninth Circuit erred in interpreting “necessary” and

“equivalent” in the NVRA in a way that created a conflict with the challenged state laws that could be avoided by a more coherent interpretation based on the reality that the federal and state laws share the same objectives. The NVRA was not intended to prevent States from requiring proof of citizenship.

The decision below has the effect of forcing Arizona to rely exclusively on an applicant’s attestation of citizenship without having to provide any verifying information. The district court assumed that non-citizen voting was “quite rare,” but a 2014 survey of noncitizens by Harvard University found that 14 percent of respondents conceded that they were illegally registered to vote. The survey firm stated that it was possible, based on those 2014 survey results, that 6.4 percent of non-citizens voted in 2008, and the votes of noncitizens were enough to affect the outcome of the 2008 presidential election in North Carolina in favor of Barack Obama.

The reliance by the court below on the LULAC consent decree entered before the 2022 enactment of the challenged Arizona statutes was unjustified. The subsequent enactment changed the state law on which the consent decree was predicated and renders the reliance on the consent decree unsupportable.

The effect of the Ninth Circuit decision is to impede enforcement of federal and state laws that make noncitizen voting a crime. It ensures that noncitizens will remain on the State’s registered voter list, which raises the prospect of extensive illegal voting by noncitizens in future elections. This

undermines public confidence in the integrity of those elections and will likely lead to avoidable post-election litigation if and when evidence of such illegal voting is uncovered.

Allowing noncitizens to continue to have a critical role in the election of federal officials and, thus, the future direction of our Nation, is utterly unacceptable. These *amici* urge the Court, this time, to stay the entirety of the injunction entered below forthwith or, in the alternative, to rule summarily on questions presented without oral argument. Every day that passes with any aspect of this injunction in place endangers the legitimacy of future federal elections in Arizona and would have the effect of encouraging meritless challenges to voter security efforts in other States.

ARGUMENT

I. THE NINTH CIRCUIT ERRED IN RULING THE NVRA PREEMPTS H.B. 2492'S REQUIREMENT FOR DPOC IN AN APPLICATION FOR REGISTRATION AND TO VOTE BY MAIL.

The NVRA provides that a State may require information on its application form “as is necessary to enable the appropriate State election official to assess the eligibility of the applicant....” 52 U.S.C. § 20508(b)(1). In *ITCA*, this Court ruled that the NVRA gives States the flexibility to require information on an application to register to vote on

their own forms that is not required on the federal form, including proof of citizenship.

The Ninth Circuit concluded that DPOC is not necessary because mere attestation under penalty of perjury that the applicant is a resident of Arizona “sufficiently confirms the eligibility of registered voters.” *Vota V* at 713. The opinion below grounded that ruling in the belief that it was giving effect to the purpose of the NVRA. However, the Circuit Court clearly misperceived the actual purpose of that Act. *Id.* at 710. Congress expressly stated that the NVRA was fashioned for the purpose of “enhanc[ing] the participation of **eligible citizens** as voters in elections for Federal office.” 52 U.S.C. § 20501(b)(2) (emphasis added). Another purpose was “to protect the **integrity** of the electoral process.” 52 U.S.C. § 20501(b)(3) (emphasis added). The interpretation imposed on NVRA by the Court of Appeals that has facilitated voting by noncitizens is obviously contrary to both of these express purposes of the Act.

The Court of Appeals construed the term “necessary” as if it had a single meaning, which the opinion assumed meant “essential.” *Id.* at 713. Various dictionaries give “necessary” numerous meanings, *e.g.*, The Random House Dictionary of the English Language (1966) (providing eight alternative definitions). But even more significantly, the Circuit Court ignored this Court’s longstanding understanding of the word “necessary” beginning in *McCulloch v. Maryland*, 17 U.S. 316, 420 (1819) (concluding that federal laws can be “necessary” without being absolutely necessary). Which of the various possible

meanings that the word “necessary” describes must be determined from the context in which the word was used. The interpretation of a statute is informed by the purpose or object the law was crafted to achieve. That requires an understanding of what Congress was seeking to achieve so that the court can fulfill its “purpose” or “object.”³ Viewed in context, “necessary” connotes something which is “useful” to achieve NVRA’s purposes. The Circuit Court’s erroneous belief that the word “necessary” must mean “absolutely necessary” operates to frustrate, rather than effectuate, the purpose of the Act. *See Aystas v. Davis*, 584 U.S. 28, 44 (2018); Black’s Law Dictionary 1029 (6th ed. 1990).

Section 7 allows a State to use its own voter registration form if it is equivalent to the Federal Form. *See* 52 U.S.C. § 20506(a)(6)(A)(ii).

³ The need to focus on purpose dates to Justice Taney’s explanation in *United States v. Heirs of Boisdore*, 49 U.S. 113 (1850), that courts should look to the whole of a law, and not a single sentence. This rule was applied by Justice Brewer in his opinion for the Court in *Church of the Holy Trinity v. United States*, 143 U.S. 457 (1892) when he explained: “It is a familiar rule, that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers.” The rule was even extended to prevent use of a literal meaning that produces a result at odds with the statute’s purpose. *See United States v. American Trucking Ass’ns*, 310 U.S. 534 (1940).

As with the interpretation of “necessary,” the language of the NVRA must be interpreted in light of the purposes of the NVRA. The Court of Appeals embraced that view. *Id.* at 713-14.

The Court of Appeals also held that H.B. 2492 violated the NVRA provision that requires state voter registration forms to be the equivalent of the Federal Form. 52 U.S.C. § 20506(a)(6)(A)(ii). It concluded that the DPOC requirement imposed by the Arizona statute “renders the state form not ‘equivalent’ to the federal form.” *Vota V* at 713. In doing so, it assigned to the word “equivalent” the meaning “virtually identical.” *Id.*

That interpretation is contrary to the position taken by this Court in its *ITCA* opinion in which the Court concluded that the NVRA did not, and was not intended to, prohibit States from requiring proof of citizenship. *ITCA* at 12; *see Gonzales v. Arizona*, 485 F.3d 1041, 1050-51 (2007). Given the federalism concern for the role of the States in the regulation of elections and the absence of prohibition in the NVRA of DPOC for state voter registration, the Federal Form and the State Form need not be virtually identical. *Cf. Watson v. Republican National Comm.*, 146 S. Ct. 2165, 2172 (2026) (Court declined to rule that Mississippi’s statute allowing acceptance of ballots after election day was preempted by federal law.).

NVRA does not expressly prohibit States from requiring applicants using the state registration form to provide DPOC. Although Congress has not expressly instructed States to require DPOC on

applications using the state form, it has made voting by non-citizens in federal elections a crime. 18 U.S.C. §§ 611, 1815. Every State also outlaws non-citizen voting. The concern about non-citizen voting is widely shared. Arizona’s legitimate concern about the need to assure election integrity and to prohibit non-citizen voting is a reasonable justification for its enactment of H.B. 2243 and H.B. 2492. The Court of Appeals decided that Arizona could enact no legislation to strengthen its ability to ferret out applicants who are noncitizens because the NVRA preempted such legislative efforts. *Vota V* at 713.

The preemption ruling constitutes error in these circumstances. This Court has ruled that States may include an information requirement on its state voter registration form regarding citizenship status. *ITCA* at 12. The language of the NVRA expressly provides that States may require on its form “identifying information” to enable the State to determine whether the applicant is eligible to register and vote. 52 U.S.C. § 20508(b)(2). Congress, then, cannot be said to have prohibited States from requiring information on its form that the Federal Form does not require. There is nothing beyond the arguable implication in the language of the NVRA, as incorrectly interpreted by the Court of Appeals and relied upon to support its flawed preemption conclusion. Congressional intent to preempt must be shown by more. *See Bates v. Dow Agrosciences LLC*, 544 U.S. 431, 449 (2005) (“[B]ecause the States are independent sovereigns in our federal system,’ we assume that a federal statute has not supplanted state law unless Congress has made such an intention ‘clear and manifest.’”) (quoting

New York St. Conf. of Blue Cross & Blue Shield Plans v. Travelers Ins. Co., 514 U.S. 645, 655 (1995) and *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947)); see also *Medtronic, Inc. v. Lohr*, 518 U.S. 470, 485 (1996). Congress has not done so.

The preemption ruling could only be justified under the category of conflict preemption. See *Oneok, Inc. v. Learjet, Inc.*, 575 U.S. 373, 377 (2015) (conflict preemption exists only where compliance with both state and federal laws is impossible or where the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress). Preemption in this case does not exist because it is not only possible to construe the language of 52 U.S.C. §§ 20506(a)(6)(A)(ii) and 20508(b)(1) to avoid conflict between the state and federal laws at issue here, but also compelled because the language of the federal law should be interpreted to avoid any preemptive effect. See *Kansas v. Garcia*, 589 U.S. 191, 210-12 (2020). As shown above, conflict is avoided by interpreting “necessary” and “equivalent” as the Petitioner and Arizona have done. A preemption ruling is not favored. See *New York State Conference of Blue Cross & Blue Shield Plans v. Travelers Ins. Co.*, 514 U.S. 645, 654 (1995) (explaining that the “starting presumption” is that “Congress does not intend to supplant state law.”)

H.B. 2492 does not create an obstacle to the objectives of the NVRA, which are to increase voter registration of **eligible** individuals and to preserve election **integrity**. H.B.2492 and the NVRA share the same objectives. See *Virginia Uranium, Inc. v.*

Warren, 848 F.3d 590, 599 (4th Cir. 2017), *aff'd* 587 U.S. 761 (2019) (state law not preempted by federal law where state law had no material effect on the purpose of federal law).

II. THE CIRCUIT COURT ERRED IN RULING THAT H.B. 2243'S PROVISION REQUIRING PERIODIC CANCELLATION OF REGISTRATIONS VIOLATES NVRA SECTION 8(B).

The decision of the Court of Appeals was based on a fundamental error that removal or cancellation of an individual's name from the voter registration list because the individual is a non-citizen must be treated in the same manner as removal or cancellation because of grounds of ineligibility listed in the NVRA that justify such action after an individual legally registered to vote in the first place. Status as a non-citizen is not included as a justification for removal or cancellation in the NVRA. 52 U.S.C. § 20507(a)(3) and (4). It is a separate and independent basis for removal or cancellation. A non-citizen does not have a right to register to vote in Arizona under the State's Constitution. Art. VII, § 2(A). A non-citizen may be removed or cancelled, therefore, at any time such ineligibility is asserted. Such an action is not governed by the provisions of the NVRA that specify other grounds for removal or cancellation.

III. THE LULAC CONSENT DECREE DOES NOT BAR ENFORCEMENT OF H.B. 2492.

In holding that the LULAC consent decree bars the enforcement of H.B. 2492, the Court of Appeals erred for two reasons:

First, the proposition that elected officials cannot agree to surrender their constitutionally derived powers is a longstanding rule.

The surrender, by contract, of a power of government, though in certain well-defined cases it may be made by legislative authority, is a very grave act.... No other body than the supreme legislature (in this case, the legislature of the State) has the authority to make such a surrender, unless the authority is clearly delegated to it by the supreme legislature. [*Home Tel. & Tel. Co. v. Los Angeles*, 211 U.S. 265, 273 (1908).]

Legislators may not bind themselves by agreement to vote in a certain manner. *See N. Pac. Ry. Co. v. Minnesota*, 208 U.S. 583, 598 (1908); *Pure Water Incorporated v. City of Prescott*, 845 F.3d 943, 958 (9th Cir. 2017); *Taylor v. Northam*, 300 Va. 230, 257, 862 S.E.2d 458, 471 (2021); Thomas Cooley, Constitutional Limitations at 400 (7th ed. 1888).

Second, consent decrees are not enforceable “in light of changed circumstances.” *Frew v. Hawkins*, 540 U.S. 431, 441 (2004). A change in law constitutes such a change in circumstances. *Id.* In this case, the State

of Arizona agreed to the entry of the consent decree because the terms of that decree at the time of entry were consistent with Arizona law. The enactment of H.B. 2492 changed that condition by requiring DPOC on a state application form.

IV. THE COURTS BELOW HAVE PREVENTED ARIZONA AND OTHER STATES FROM MITIGATING A SERIOUS THREAT TO REPRESENTATIVE DEMOCRACY.

The district court was dismissive of the reality that current practices have not prevented noncitizens from registering to vote, and voting, in violation of both state and federal law. The district court asserted that “though it may occur, non-citizens voting in Arizona is quite rare, and non-citizen voter fraud in Arizona is rarer still.” *Vota III* at 967. Thus, the district court was willing to disregard “[e]vidence at trial [which] indicates that members of the public have expressed concerns about ... non-citizens voting in federal elections.” *Id.*

The district court’s view was that: (i) the prevailing political establishment asserts that voting by illegal aliens and other noncitizens is extremely rare; (ii) any effort to require documentary proof of citizenship could possibly discourage someone entitled to register and vote from doing so; and therefore (iii) no additional effort to enforce the laws against noncitizen voting should be permitted. The district court operated on the assumption that if there had been voting by noncitizens, it would be well-known. However, there is a maxim operating here — “You

don't find what you are not looking for." In many states in recent months, the reverse principle has been demonstrated — "Seek and you shall find."

A. Recent Disclosures Confirm the Problem of Noncitizen Voting.

New Jersey recently admitted that some 6,600 aliens had been registered to vote through its program of automatic voter registration for driver's license applicants.⁴ Like the district court, New Jersey has long insisted that it does not have an alien registration problem. "Republican state Sen. Declan O'Scanlon [said] New Jersey Republicans have been raising concerns about the MVC registration system for years and 'each time we were reassured that this 'could never happen.'"" *Id.*

New Jersey Governor Mikie Sherrill (D) insisted that the **6,600 illegal registrations** were due to a "software error." But "the technology company that has worked with the Garden State's motor vehicle agency for decades, IDEMIA, disputed that characterization. The noncitizens were added to voter rolls after they also had indicated 'yes' when asked if they wanted to register."⁵ A preliminary review found that "roughly 400 non-citizens ... cast ballots" in

⁴ Peter Pinedo, "GOP erupts over 6,600 noncitizen voters found in blue state as scandal deepens: 'Worse than anyone expected,'" *Fox News* (July 22, 2026).

⁵ "Concerns Mount Over Noncitizen Voting," *Epoch Times* (July 29, 2026).

various elections.⁶ If the company is correct, the state of New Jersey invited the aliens to register, the aliens actively stated their desire to do so, and the state illegally registered 6,600 of them. A similar system exists in Arizona, where registration occurs after a noncitizen responds to an invitation to register. See A.R.S. section 16-112 and Ariz. Admin. Code R17-4-410 (requiring an offer to register to vote when a person applies to renew, duplicate, or update a license or identification, as well as when application is made for public assistance benefits.)

The New Jersey disclosures came just days after Homeland Security Secretary Markwayne Mullin stated that the problem is orders of magnitude worse than the 6,600 alien voters New Jersey admits. “Just ONE illegal vote cancels out the vote of a U.S. citizen. As @DHSgov reported last week — New Jersey **could have as many as 35,152 potential non-citizens registered** to vote.”⁷

Secretary Mullin has also noted that “DHS has identified over 250,000 potential non-citizens illegally registered to vote in just 4 U.S. states. Only Americans should be electing American leaders.”⁸

⁶ Joey Fox & Daniel Han, “Thousands of non-citizens registered to vote in NJ due to software error, governor says,” *Politico* (July 21, 2026).

⁷ Secretary Markwayne Mullin, *X Post* (July 21, 2026) (emphasis added).

⁸ “DHS Secretary Markwayne Mullin Sends Letters to Secretaries of State Warning About Non-Citizens on Voter Rolls,” *DHS.gov*

According to the Department of Homeland Security, “[t]hrough preliminary reviews of the four states’ records, DHS found that there may be as many as: 190,832 non-citizens registered to vote in California. 35,152 non-citizens registered to vote in New Jersey. 15,903 non-citizens registered to vote in Nevada. 14,576 non-citizens registered to vote in Pennsylvania.” *Id.* There is no reason to believe that the comparable numbers in Arizona are significantly lower.

In February, Representative Chip Roy (R-TX) pointed to the arrest by Immigration and Customs Enforcement of Guyana citizen Ian Roberts, who came to the United States illegally, registered to vote in Maryland, and obtained an appointment as a superintendent of schools in an Iowa school district before being caught:

ICE arrested criminal illegal alien Ian Andre Roberts, who was serving as the Des Moines, Iowa, school district superintendent at the time of his arrest. After his arrest, it was found that Roberts was a registered voter in Maryland despite his illegal immigration status and long criminal record. It was a criminal record filled with narcotics trafficking, driving vehicles he shouldn’t have been driving, unauthorized possession of a firearm, and other crimes. Yet we act like this isn’t occurring. I have dozens of other

examples right here of arrests that have been occurring this year [of illegal aliens registered to vote].⁹

According to the Public Interest Legal Foundation (“PILF”), relating to a prior filing with this Court, “Pennsylvania publicly admitted that, for decades, its Department of Motor Vehicles had allowed non-U.S. citizens to register to vote through the state’s ‘motor voter’ system. According to the state’s own analysis, ‘approximately 100,000 registered voters may potentially be non-citizens or may have been non-citizens at some point in time.’”¹⁰

PILF requested those records “under the National Voter Registration Act’s public disclosure provision, which requires states to make list maintenance documents available for public inspection. Pennsylvania denied the request.” *Id.* In Virginia, “between January 2022 and July 2024, records indicate [election officials] removed 6,303 noncitizens from the voter rolls.”¹¹

⁹ Statement of Rep. Chip Roy (R-TX), 172 Cong. Rec. H 2121, 2131 (Feb. 11, 2026).

¹⁰ “PILF Petitions SCOTUS After Pennsylvania Blocks Access to Noncitizen Voter Registration Records,” *PILF* (Oct. 7, 2025).

¹¹ Shawn Fleetwood, “If Democrats Want Proof Foreigners Are Registering To Vote, Virginia Just Found 6,303 Examples,” *The Federalist* (Aug. 8, 2024).

**B. Noncitizen Voting Fraud Has Affected
Election Results that Were Later
Invalidated.**

Recent history is littered with examples of voter fraud impacting the course of local elections, and aliens have regularly been at center stage. In 2001, a California judge reversed the result of the Compton mayoral election, finding outcome-determinative fraud. “The judge said she was convinced that the [candidate, Leslie Irving,] knowingly registered noncitizens to vote, solicited votes from absentee voters and then lied about it in court.” As a result, the judge ruled that “Leslie Irving ... is forever disqualified from holding office in this state.”¹²

In 1996, Democrat Loretta Sanchez defeated incumbent Republican Bob Dornan for his California congressional seat. Dornan contested the election, which was rife with documented cases of voter fraud, including votes of aliens. “On January 14, 1997, the Orange County District Attorney conducted a search, under warrant, of the offices of Hermandad Mexicana Nacional, a Latino community service organization, alleged to be at the center of an effort to register and encourage non-citizens to vote in the 1996 elections.”¹³ Though “clear and convincing evidence that 748

¹² Daren Briscoe, Bob Pool & Nancy Wride, “Judge Voids Compton Vote, Reinstalls Defeated Mayor,” *Los Angeles Times* (Feb. 9, 2002).

¹³ “Dismissing the Election Contest Against Loretta Sanchez,” H.R. Rep. No. 105-416, at 3 (1998).

invalid votes were cast in this election” (*id.* at 15) was found, in the end, the House seated Sanchez, as her final certified margin of 979 votes was greater than the 748 illegal votes cast.

More recently, in November 2023, a Connecticut judge reversed the results of the Bridgeport Democratic mayoral primary after outcome-determinative fraud was proven.¹⁴ In the same scandal-laced local council election, “Bridgeport city councilman Alfredo Castillo allegedly convinced a woman who is not a United States citizen to illegally register to vote in 2023 and persuaded her to apply for an absentee ballot that he cast for her.”¹⁵ The noncitizen voter claimed, “He told me that I would not have any problems being a permanent resident and convinced me to sign everything.” *Id.*

A 2014 study by professors Jesse Richman and David Earnest, based on more than 80,000 survey contacts by Harvard University in 2008 and 2010, found that 14 percent of noncitizens who were willing to respond to the survey stated that they were in fact registered to vote.¹⁶ Notably, these numbers reflect only aliens willing to admit to the researchers that

¹⁴ Dave Altimari & Andrew Brown, “Bridgeport primary election overturned; new vote ordered,” *Connecticut Mirror* (Nov. 1, 2023).

¹⁵ Andrew Brown, Shahrzad Rasekh & Renata Daou, “Bridgeport city councilman accused of registering noncitizen to vote in 2023 primary,” *Connecticut Public Radio* (Oct. 21, 2024).

¹⁶ Jesse Richman & David Earnest, “Could non-citizens decide the November election?” *Washington Post* (Oct. 24, 2014).

they had committed a federal crime, and are thus likely quite underreported. More than 80 percent of those noncitizen respondents indicated that they had voted for Barack Obama, the Democrat candidate, in the 2008 election. *Id.* After assessing the results, the professors concluded it is likely that fully “6.4 percent of non-citizens voted in 2008.” *Id.* The professors note that “[i]t is also possible that non-citizen votes were responsible for Obama’s 2008 victory in North Carolina. Obama won the state by 14,177 votes, so a turnout by 5.1 percent of North Carolina’s adult non-citizens would have provided this victory margin.” *Id.*

C. The Courts Below, Seeing No Unlawful Voting, Appeared to Be Influenced by Political Considerations.

The Ninth Circuit wrongly frames this case as evidence of the “animus” of the Arizona legislature toward aliens. Instead, it is a case of the legislature attempting to protect the right of suffrage of Arizona citizens. As this Court has clearly stated, “[t]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Reynolds v. Sims*, 377 U.S. 533, 555 (1964). The courts below have cheapened, diluted, and denied the voting rights of Arizona citizens by refusing to allow the state to prevent the problems that have plagued elections around the country.

The right to a government “of the people, by the people, for the people” must mean something. As this Court has stated:

The act of becoming a citizen is more than a ritual with no content beyond the fanfare of ceremony. A new citizen has become a member of a Nation, part of a people distinct from others.... The individual, **at that point**, belongs to the polity and **is entitled to participate in the processes of democratic decisionmaking**. Accordingly, we have recognized a State’s historical power to exclude aliens from participation in its democratic political institutions ... as part of the sovereign’s obligation to **preserve the basic conception of a political community**. [*Foley v. Connelie*, 435 U.S. 291, 295-96 (1978) (citation and quotation marks omitted) (emphasis added).]

This Court added that “recognition of the fact that a democratic society is ruled by its people” means that “a State may deny aliens the right to vote, or to run for elective office, for these lie at the heart of our political institutions.” *Id.* at 296.

Arizona seeks no more than this “historical power” to “preserve the basic conception of a political community.”

CONCLUSION

The decision of the Ninth Circuit was in error and should be summarily reversed and remanded with instructions to lift the injunction against the Arizona law forthwith.

Respectfully submitted,

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