

No. 25-1017

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IN THE  
**Supreme Court of the United States**

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REPUBLICAN NATIONAL COMMITTEE,

*Petitioner,*

*v.*

MI FAMILIA VOTA, *et al.*,

*Respondents.*

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ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE NINTH CIRCUIT

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**BRIEF OF *AMICUS CURIAE*  
AMERICA FIRST POLICY INSTITUTE  
IN SUPPORT OF PETITIONER**

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NICHOLAS J. WANIC  
*Counsel of Record*  
GINA D'ANDREA  
LEIGH ANN O'NEILL  
TYLER COCHRAN  
AMERICA FIRST POLICY INSTITUTE  
1455 Pennsylvania Avenue, NW,  
Suite 225  
Washington, DC 20004  
(779) 396-0137  
nwanic@americafirstpolicy.com

## **QUESTIONS PRESENTED**

1. Does the National Voter Registration Act or a federal consent decree prohibit Arizona from requiring voter-registration applicants to produce satisfactory evidence of United States citizenship when registering with a state registration form?
2. Does the National Voter Registration Act prohibit Arizona from implementing a program within 90 days of a federal election to cancel the registrations of voters who are not United States citizens?

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## INTEREST OF AMICUS CURIAE<sup>1</sup>

The America First Policy Institute (AFPI) is a nonprofit, nonpartisan research institute that develops policy on election administration, public accountability, and protection of lawful voters. Since 2021, AFPI has published research, model legislation, implementation guidance, and commentary concerning voter identification, documentary proof of citizenship, voter-list maintenance, election observation, record retention, and public confidence. AFPI's work has addressed objective eligibility verification, accurate voter-registration records, and safeguards against administrative error.

This case presents those issues directly and its outcome is crucial to AFPI's work to ensure that only eligible citizens participate in elections, that states maintain accurate voter-registration records, and that election administration remains transparent with rules that voters and election officials can understand and apply consistently. Arizona's State Form requirement advances those interests by requiring applicants to substantiate citizenship through accepted evidence rather than self-attestation alone. By requiring satisfactory evidence of citizenship from applicants using the State Form and directing election officials to consult identified governmental sources when later questions about eligibility arise, Arizona makes elections safer and more transparent while protecting eligible voters.

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<sup>1</sup> No counsel for a party authored this brief, in whole or in part, and no person or entity other than amicus curiae made a monetary contribution to the preparation or submission of the brief. Sup. Ct. R. 37.6.

The court below relied upon unfounded concerns about weighing the security of elections too heavily against alleged burdens on voting. AFPI therefore writes to explain why objective citizenship verification, accurate list maintenance, and politically accountable rulemaking are mutually reinforcing components of sound election administration, and why implementation concerns are best addressed through clear procedures, reliable data, notice, and opportunities to cure rather than by abandoning verification itself.

## SUMMARY OF ARGUMENT

This case begins with an institutional choice about how election rules are made. In 2018, private plaintiffs and two executive officials resolved litigation by agreeing that sufficiently complete Arizona state-form applications submitted without documentary proof of citizenship would be accepted, checked against motor-vehicle records, and—absent contrary citizenship information—processed for federal-only registration. LULAC Consent Decree at 8–10, *League of United Latin American Citizens of Ariz. v. Reagan*, No. 2:17-cv-04102 (D. Ariz. June 18, 2018), ECF No. 37 (“LULAC Consent Decree”). Four years later, Arizona’s elected Legislature enacted H.B. 2492, which requires documentary proof from applicants who choose the State Form and directs rejection, with notice, when that proof is absent. Ariz. Rev. Stat. § 16-121.01(C). The Ninth Circuit held that the earlier decree bars enforcement of that later-enacted rule. *Mi Familia Vota v. Fontes*, 129 F.4th 691, 716–19 (9th Cir. 2025).

Arizona’s 2022 laws replace a litigation-driven regime with publicly enacted rules that are transparent, politically accountable, and capable of adapting as election systems and available data improve. They also establish a coherent verification framework. H.B. 2492 requires applicants using Arizona’s State Form to substantiate citizenship through accepted forms of evidence rather than relying on self-attestation alone, while H.B. 2243 directs election officials to consult identified governmental sources when later questions about eligibility arise. Those front-end and back-end safeguards serve the same purpose: ensuring that

registration records accurately reflect the qualifications Arizona law requires.

The possibility of incomplete or outdated government records does not undermine that policy. It instead supports procedures requiring corroboration, notice, and a meaningful opportunity to correct errors before adverse action is taken. This Court has recognized that objective verification requirements can coexist with lawful participation when eligible voters have reasonable means to establish the relevant fact. *See Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 191–97, 202–03 (2008). Arizona’s framework likewise seeks to combine meaningful verification with protections against administrative error. Accordingly, those concerns provide no basis for treating self-attestation as the only permissible means of establishing citizenship on Arizona’s State Form, especially as a substitute for the willfully enacted policy of the elected Legislature.

The judgment below should be reversed.

## ARGUMENT

### I. THE 2018 CONSENT DECREE SHOULD NOT DISPLACE ARIZONA'S LATER, PUBLICLY ENACTED STATE FORM VERIFICATION REQUIREMENT.

#### A. Election Rules Should Remain Visible, Attributable, and Revisable Through Public Lawmaking.

In 2018, Arizona Secretary of State Michele Reagan and Maricopa County Recorder Adrian Fontes entered into a consent decree with LULAC-Arizona and the Arizona Students' Association. The decree directed county recorders to accept State Form applications submitted without documentary proof of citizenship, enter them into the registration database, register otherwise qualified applicants for federal elections, and compare the applications with Arizona motor-vehicle records. If the records did not establish citizenship, the applicant would remain a "Fed Only Voter" unless and until documentary proof was supplied. LULAC Consent Decree at 8–10. The decree expressly recorded that the Secretary continued to deny that the prior State Form practice was unlawful. *Id.* at 3–4.

In 2022, the Arizona Legislature chose a different rule. H.B. 2492 provides that, except for the federal form, an application "shall be accompanied by satisfactory evidence of citizenship" and directs election officials to reject a State Form application lacking that evidence while sending the applicant notice. Ariz. Rev. Stat. § 16-121.01(C); 2022 Ariz. Sess. Laws ch. 99. The Ninth Circuit nevertheless held that the 2018 decree remains binding and bars

enforcement of the later statute as to State Form applicants seeking federal registration. *Mi Familia Vota*, 129 F.4th at 716–19.

AFPI does not contend that settlement of the 2017 litigation was inherently improper. Instead, AFPI is concerned with prospective governance outside of the democratic process. Election rules affect millions of recurring administrative decisions. When a negotiated decree controls those rules after a legislature has publicly enacted a different policy, the effective administration of elections becomes difficult for voters to trace. The public can examine, contest, and seek to change a rule enacted through the legislative process. However, the public has no mechanism to express its displeasure with the actions of private plaintiffs, and has little practical ability to alter the terms of a decree negotiated years earlier.

That distinction becomes more important as the facts underlying election administration change. The 2018 decree itself relied on “current technology” as a reason to treat State and Federal Form applications alike. LULAC Consent Decree at 3. Yet data quality, database access, matching techniques, and correction mechanisms are not static. Election officials increasingly have access to tools that did not exist, were not mature, or were not widely available when earlier procedures were designed.<sup>2</sup> A durable system should permit politically accountable

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<sup>2</sup> See J. Kenneth Blackwell, *Finish the Fight: Modernize Voter Roll Cleanup*, Am. First Pol’y Inst. (Oct. 17, 2025), <https://www.americafirstpolicy.com/issues/finish-the-fight-modernize-voter-roll-cleanup> (observing that “modern list maintenance demands constant updates and real-time verification tools”).

institutions to respond to those developments while remaining subject to federal law.

This Court has repeatedly recognized the related principle that prospective decrees must remain responsive to changed circumstances. See *Rufo v. Inmates of Suffolk Cnty. Jail*, 502 U.S. 367, 380–84 (1992); *Horne v. Flores*, 557 U.S. 433, 447–50 (2009). Furthermore, this Court has recognized that policy revision is an exercise better left to legislatures rather than courts. See *Henson v. Santander Consumer USA Inc.*, 582 U.S. 79, 89–90 (2017) (declining to update a statutory scheme to account for changed circumstances and emphasizing that the judiciary’s role is “to apply, not amend, the work of the People’s representatives”); *Badaracco v. Comm’r*, 464 U.S. 386, 398 (1984) (“Courts are not authorized to rewrite a statute because they might deem its effects susceptible of improvement.”). Those principles reinforce the narrower institutional point here that prospective judicial relief should not unnecessarily freeze election policy against later democratic lawmaking and materially changed administrative conditions.

That flexibility matters here because the technological premise underlying the 2018 decree was necessarily time-bound. The decree expressly rested on the parties’ conclusion that “current technology” permitted Arizona to treat State Form and Federal Form applications alike, and the agreed process relied principally on automated comparisons with Arizona motor-vehicle records. *LULAC v. Reagan*, No. 2:17-cv-04102-DGC, LULAC Consent Decree at 3, 7–8 (D. Ariz. June 18, 2018). But the technology available for citizenship verification has changed substantially since then. Arizona’s Legislature responded in 2022

by authorizing officials to use multiple governmental sources—including Social Security Administration records, SAVE, and the NAPHSIS vital-records system—rather than relying principally on the motor-vehicle database. Ariz. Rev. Stat. § 16-165(G)–(J); *Mi Familia Vota v. Fontes*, 129 F.4th 691, 705–06 (9th Cir. 2025). Federal capabilities have advanced still further. In 2025, DHS expanded SAVE to permit verification of U.S.-born citizens, integrated Social Security Administration information, added searches using Social Security numbers, passport numbers, and driver’s-license information, eliminated transaction fees for state and local agencies, and expressly adapted the system for voter-registration and voter-list-maintenance use. *See* Privacy Act of 1974; System of Records, 90 Fed. Reg. 48,948, 48,949–52 (Oct. 31, 2025). These developments substantially expand both the records available to election officials and the means of corroborating citizenship. This, in turn, demonstrates the fault in reliance upon a decree expressly premised on “current technology” in 2018, now in the year 2026 and beyond. No court should freeze election administration indefinitely. Instead, Arizona’s elected Legislature must remain empowered to adopt verification procedures that reflect materially improved technology and processes as they become available.

B. Arizona’s State Form Requirement  
Establishes a Clear and Politically Accountable  
Verification Rule.

Transparency is itself an election-integrity safeguard. A voter should be able to identify the rule governing registration eligibility, understand what evidence is required, and determine which official is responsible for applying it. Written statutory



standards also constrain administrators by making departures from the rule easier to detect and correct.<sup>3</sup>

Just last term this Court affirmed the concrete interests implicated when elections depart from governing law, noting that election integrity is necessary to participatory democracy and the “public acceptance democratic stability requires.” *Bost v. Ill. State Bd. of Elections*, 607 U.S. 71, 80 (2026). In *Bost*, the Court explained that candidates have an interest not only in winning but in a “fair process,” because departures from governing election law can produce an unfair and inaccurate election and can undermine the winner’s political legitimacy. *Id.* at 77–80. Confidence in electoral integrity, the Court reiterated, is “essential to the functioning of our participatory democracy.” *Id.* at 80 (quoting *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (per curiam)).

Arizona’s statutes advance the very interests identified by this Court in *Bost* by making the rules governing eligibility ascertainable, reviewable, and capable of producing an accurate result. Section 16-121.01(C) specifies what State Form applicants must provide; Section 16-165 identifies the governmental sources officials must consult; and Section 16-165(A)(10) requires confirmation, notice,

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<sup>3</sup> See Kimmie Dillon, *Arizona Advances Secure, Citizen-Driven Election Policy*, Am. First Pol’y Inst. (Feb. 23, 2026), <https://www.americafirstpolicy.com/issues/arizona-advances-secure-citizen-driven-election-policy> (discussing how the proposed Arizona Secure Elections Act promotes timely and orderly election administration); see also H.C.R. 2001, 57th Leg., 2d Reg. Sess. § 1 (Ariz. 2026) (House-engrossed version) (providing that the proposed amendment “shall commonly be known as ‘The Arizona Secure Elections Act’”); S.C.R. 1001, 57th Leg., 2d Reg. Sess. § 1 (Ariz. 2026) (introduced version) (same).

identification of acceptable citizenship documents, and an opportunity to respond before cancellation. The Ninth Circuit criticized the SAVE-based “reason to believe” provision of Arizona’s law, because SAVE’s then-existing functionality meant that the inquiry could be applied differently to naturalized and U.S.-born citizens. *Mi Familia Vota*, 129 F.4th at 714–15. But the court also acknowledged that Arizona “can investigate the citizenship status of registered voters to ensure that only qualified individuals are registered to vote” and may employ generally applicable governmental database checks for that purpose. *Id.* at 715. That distinction matters. *Bost* teaches that departures from lawful election rules can deprive participants of a fair process and an accurate result, and that rules undermining electoral integrity likewise diminish the winner’s political legitimacy. 607 U.S. at 77–80. The answer to concerns about particular verification methods is therefore to ensure that the governing standards are lawful, uniform, transparent, and subject to correction, not to discount Arizona’s legitimate interest in verifying eligibility or to substitute unverified self-attestation for an open, reviewable process.

## II. ARIZONA’S STATE FORM REQUIREMENT IS A SOUND METHOD OF OBJECTIVELY VERIFYING A SUBSTANTIVE VOTER QUALIFICATION.

### A. Objective Citizenship Verification Falls Within Arizona’s Authority to Administer Its Voter-Registration System.

Citizenship is a substantive qualification for voting in Arizona. Ariz. Const. art. VII, § 2; Ariz. Rev. Stat. § 16-101(A)(1). A checkbox on a registration form records an applicant’s representation about that

qualification, but it does not independently corroborate the underlying fact. Arizona's State Form policy therefore asks a straightforward question before full registration: can the applicant substantiate citizenship through an accepted form of evidence?

The State does not require a single credential. Arizona law recognizes, among other things, qualifying driver-license information, a birth certificate, a United States passport, naturalization documents or a verified naturalization number, and specified tribal records. Ariz. Rev. Stat. § 16-166(F). Applicants using the Federal Form remain governed by the distinct federal regime. *See Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 15 (2013). H.B. 2492's challenged State Form rule therefore operates within a registration system in which Arizona may design its own form and identify the evidence necessary to establish state-law eligibility.

Federal election law likewise distinguishes between information used to identify an applicant and information that establishes eligibility. The Help America Vote Act of 2002 ("HAVA"), for example, requires identifying numbers for registration records and provides an administrative fallback when an applicant has neither a driver's license number nor Social Security number. 52 U.S.C. § 21083(a)(5)(A). An identifier can help create and match a registration record without establishing the substantive qualifications to vote.

Objective documentary standards also promote uniform administration. A recorder applying a defined list of acceptable citizenship documents has less room to apply different standards to different applicants. The same objective inquiry applies to naturalized and

native-born citizens alike: each may establish citizenship through an accepted form of proof. And because Arizona records satisfactory proof after it has been provided, a citizen generally need not repeatedly prove the same qualification. *See* Ariz. Rev. Stat. § 16-166(G), (I)–(J).

The court below nevertheless placed substantial weight on the absence of evidence of noncitizen voting in connection with Arizona’s 2020 election. In recounting the laws’ legislative history, the panel focused on a post-election audit which found no evidence of voter fraud, that the Legislature had not established that any noncitizens were registered to vote, and that legislative leaders did not recall being presented with evidence of noncitizen voter fraud. *Mi Familia Vota*, 129 F.4th at 703–05. The court then treated the Legislature’s decision to enact the challenged provisions as circumstantial evidence of discriminatory intent, even while acknowledging that a State has a legitimate interest in preserving election integrity without proof of actual fraud. *Id.* at 726 & n.6.

Such emphasis on the absence of demonstrated fraud overlooks the latitude federal law preserves for States to verify voter qualifications through their own registration systems. Federal law does not make the Federal Form a ceiling on the information a State, “[i]n addition to accepting and using” the Federal Form, may use to “develop and use a mail voter registration form.” *See* 52 U.S.C. § 20505(a)(2). To the contrary, this Court has expressly recognized that “state-developed forms may require information the Federal Form does not” and that States “retain the flexibility to design and use their own registration forms.” *Inter Tribal Council*, 570 U.S. at 12. That

flexibility is particularly significant here because the additional evidence bears directly on citizenship: a substantive qualification for voting. The authority to establish voter qualifications would otherwise have little practical value if a State were denied access to information necessary to enforce them. *Id.* at 17.

Requiring a State to demonstrate unlawful registration before permitting reasonable verification measures would invert that logic: evidence of ineligibility may itself depend on access to the information necessary to verify eligibility. Arizona's Legislature was therefore entitled, and in the exercise of sound judgment within the limits of federal law, to require objective corroboration of citizenship rather than rely on self-attestation alone.

B. Front-End Verification Reduces Later Eligibility Uncertainty.

Front-end verification cannot keep every registration record accurate forever. Records change, data-entry errors occur, and relevant information may arrive after registration. As of July 2023, Arizona had 19,439 active federal-only registrants who were registered without documentary proof of citizenship. *Mi Familia Vota*, 129 F.4th at 704. That number does not establish that those registrants were noncitizens; however, it does show that the State administers a distinct category of registrations for which documentary citizenship proof has not been supplied and that some eligibility questions may require later resolution.

H.B. 2243 provides a structured process for that work. Under Arizona law, the Secretary of State must compare the statewide registration database with Arizona motor-vehicle records each month. Ariz. Rev.

Stat. § 16-165(G). Then, county recorders, to the extent practicable, must consult Social Security data, SAVE for specified records, vital-events information when accessible, and other relevant governmental databases. *Id.* § 16-165(H)–(K). Federal law likewise requires States to conduct a general program that makes a reasonable effort to maintain accurate rolls with respect to specified categories, as well as maintenance of a computerized statewide list coordinated with other agency records. *See* 52 U.S.C. §§ 20507(a)(4), 21083(a)(1)–(2). The details differ, but the administrative mandate is the same: registration databases require continuing maintenance.

The use of multiple data sources is also important because no single database answers every eligibility question. An initial mismatch is a lead, not a finding. Below, the Ninth Circuit raised concerns that SAVE database information may lag briefly after naturalization. *Mi Familia Vota*, 129 F.4th at 701. However, the record also includes findings rejecting the proposition that SAVE is generally unreliable and that Arizona has procedures to obtain updated citizenship information. *Id.* at 748–49 (Bumatay, J., concurring in part and dissenting in part). Regardless, the proper response to those limitations is corroboration and correction, not a rule that prevents government data from ever being used.

Arizona’s cancellation provision also should assuage fears that SAVE database lag would disenfranchise voters. Under the challenged provisions, a registration is not canceled merely because a database is unable to verify citizenship. Section 16-165(A)(10) applies when the recorder “confirms” that a registered person is not a citizen and then requires forwardable notice explaining that

cancellation will occur in 35 days unless satisfactory evidence of citizenship is provided. That sequence—information, confirmation, notice, cure, then list maintenance action—prevents premature final determinations of ineligibility.<sup>4</sup> Because Arizona’s process separates an initial database flag from a confirmed finding of ineligibility and requires notice and an opportunity to cure before cancellation, there should be little dispute as to whether officials may act on uncertain information.

### III. OBJECTIVE VERIFICATION IMPROVES ADMINISTRATION FOR ELIGIBLE VOTERS.

Accurate information at registration benefits eligible voters as well as administrators. The State Form proof requirement seeks to resolve citizenship at entry; the list-maintenance provisions address information that arises later. Together, those rules reduce the number of unresolved eligibility questions that must be handled closer to an election, when pollbooks, ballot issuance, and statutory deadlines make correction more disruptive. This reduces the need for back-end remediation, which is harder, more costly, and more disruptive than getting it right from the start.<sup>5</sup>

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<sup>4</sup> See Am. First Pol’y Inst., *Voter Rolls* 3–4 (Aug. 19, 2021), <https://www.americafirstpolicy.com/issues/voter-rolls> (explaining that voter-roll procedures should ensure voters are notified before removal and that advanced technology can “expand the verification process”).

<sup>5</sup> See Thomas Lane, *No ID, No Proof, No Problem? Fixing HAVA’s Section 303 Voter Registration Blind Spot*, Am. First Pol’y Inst. (Mar. 3, 2026), <https://www.americafirstpolicy.com/issues/no-id-no-proof-no-problem-fixing-havas-section-303-voter-registration-blind-spot>

Consistent standards also reduce county-by-county variation. A defined set of documentary routes and identified databases gives recorders a common framework. That matters because the best alternative to a verification rule is not administration without complexity. Officials still must decide what to do when an applicant’s attestation conflicts with motor-vehicle data, naturalization records, Social Security information, or another reliable source. The choice here is whether those conflicts are resolved through written, reviewable procedures or through informal and potentially inconsistent bureaucratic judgments.

Better verification also protects the civic value of lawful participation.<sup>6</sup> In *Bost*, this Court recognized that the legitimacy of an election depends in part on confidence that the governing rules produced a fair and accurate process. 607 U.S. at 77–80. A voter need not assume that every applicant or every database is infallible if the system makes its decision rules visible and provides a record of how eligibility questions are

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(explaining that “back-end remediation is harder, more costly, and more disruptive than getting it right at the front end”).

<sup>6</sup> See J. Kenneth Blackwell, *Georgia Voters Deserve Transparent, Verifiable Elections*, Am. First Pol’y Inst. (May 26, 2026), <https://www.americafirstpolicy.com/issues/blackwell-georgia-voters-deserve-transparent-verifiable-elections> (explaining that sound election systems provide the transparency necessary to maintain public trust); Kimmie Dillon, *Arizona Advances Secure, Citizen-Driven Election Policy*, Am. First Pol’y Inst. (Feb. 23, 2026), <https://www.americafirstpolicy.com/issues/arizona-advances-secure-citizen-driven-election-policy> (explaining that the proposed amendment to the Arizona constitution which would require citizenship as a condition of voter registration would “return decision-making power to the hands of Arizonans, who deserve elections that are secure, dependable, transparent, and trustworthy”).



resolved. That kind of transparency allows errors to be corrected and lawful results to be defended.

Furthermore, proper verification does not require officials to treat every discrepancy as potential fraud. Federal-only registration is not itself proof of noncitizenship, and an inaccurate record does not necessarily produce an unlawful ballot. The purpose of structured review is precisely to distinguish those situations. A sound system identifies a discrepancy, checks it against reliable evidence, gives the affected citizen a meaningful chance to correct an error, and changes registration status only when the relevant qualification is established.<sup>7</sup> That is more protective of eligible voters than either automatic cancellation or deliberate refusal to resolve known inaccuracies.

#### IV. IMPLEMENTATION CONCERNS SUPPORT SAFEGUARDS, NOT ABANDONMENT OF DOCUMENTARY VERIFICATION.

Good verification policy should be demanding with respect to proof of eligibility and equally demanding of accuracy. Multiple acceptable forms of proof, clear instructions, reasonable implementation periods, and meaningful opportunities to cure can reduce burdens in the uncommon case where an eligible voter initially lacks the required evidence or a

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<sup>7</sup> See *Voter Rolls*, *supra* note 4, at 3–4 (discussing the benefits of verification procedures that use additional sources and safeguards before voter-roll changes); Am. First Pol’y Inst., *Prohibiting Non-Citizen Voting Act* § 6(A) (Sept. 10, 2024), <https://www.americafirstpolicy.com/issues/prohibiting-non-citizen-voting-act> (discussing the benefits of policies preserving an eligible citizen’s ability to cast a provisional ballot and have it counted once citizenship is verified).

government record is incomplete.<sup>8</sup> Those safeguards strengthen the verification rule because they reduce false positives without surrendering the underlying eligibility standard. That combination of objective verification and practical safeguards is not novel. Voter-identification regimes provide a familiar example of election rules that require proof while preserving meaningful access for eligible voters.

Courts need look no further than voter-identification regimes to reject the premise that objective verification inherently suppresses lawful participation. In *Crawford v. Marion County Election Board*, this Court upheld Indiana’s photo-identification requirement after considering the burdens on eligible voters and the State’s interests in deterring fraud, modernizing election administration, and safeguarding voter confidence. 553 U.S. 181, 191–97, 202–03 (2008). The relevant lesson is not that every verification rule is immune from scrutiny. Instead, the Court has been clear that requiring an eligible voter to substantiate an objective fact does not itself amount to disenfranchisement. Voter ID laws have met similar approval in the courts of appeals.

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<sup>8</sup> See *Prohibiting Non-Citizen Voting Act*, *supra* note 7, §§ 2–3, 6 (recommending multiple forms of acceptable documentary proof, requiring notice with “instructions to enable the applicant to meet the requirement,” and preserving provisional voting where citizenship is later verified, helping eliminate gaps that lead to the ineffective administration of elections); Anna Pingel, *The Impacts of Photo Identification Requirements on Voting*, Am. First Pol’y Inst. (July 10, 2023), <https://www.americafirstpolicy.com/issues/research-report-the-impacts-of-photo-identification-requirements-on-voting> (supporting free voter-identification cards and a three-day opportunity to supply qualifying identification because those measures “remov[e] possible barriers”).

The Eleventh Circuit upheld Alabama’s photo-identification law on a record showing that approximately 99% of white voters and 98% of Black voters possessed qualifying identification. *Greater Birmingham Ministries v. Sec’y of State for Ala.*, 992 F.3d 1299, 1329–30 (11th Cir. 2021). A nationwide study using roughly 1.6 billion voter observations from 2008 through 2018 likewise found no negative effect of strict identification laws on registration or turnout overall or for groups defined by race, gender, age, or party affiliation. Enrico Cantoni & Vincent Pons, *Strict ID Laws Don’t Stop Voters: Evidence from a U.S. Nationwide Panel, 2008–2018*, 136 Q.J. Econ. 2615, 2615–16 (2021).

Citizenship verification should be just as straightforward. Photo-identification rules verify identity; documentary and database-based citizenship rules verify eligibility. In both settings, the State asks the voter to substantiate an objective, preexisting fact. Arizona’s multiple documentary options, notice provisions, corroborating databases, and correction procedures demonstrate that verification and access need not be competing interests. If a database is stale, Arizona allows officials to correct it. Similarly, if an eligible citizen needs another route to prove citizenship, Arizona has provided several. Thus, there is simply no need to treat self-attestation as conclusive when reliable evidence is available to verify the qualification.

The practical concerns identified below, at best, support careful implementation, but they do not require Arizona to abandon its verification policy. Arizona’s well-designed procedures already serve both ends, protecting eligible citizens from administrative error while preserving the State’s ability to verify

citizenship and correct confirmed ineligibility. Objective verification and lawful participation are complementary features of a trustworthy election system.

### CONCLUSION

Arizona should be permitted, consistent with the governing federal statutes, to implement its publicly enacted system of objective citizenship verification, structured list maintenance, notice, and correction. Accordingly, the judgment of the court below should be reversed.

Respectfully submitted,

NICHOLAS J. WANIC  
*Counsel of Record*

GINA D'ANDREA

LEIGH ANN O'NEILL

TYLER COCHRAN

AMERICA FIRST POLICY INSTITUTE  
1455 Pennsylvania Avenue, NW,  
Suite 225

Washington, DC 20004

(779) 396-0137

nwanic@americafirstpolicy.com