

Petition of America First Legal Foundation for rulemaking before the Election Assistance Commission

Response to a request for comments at Docket No. EAC-2025-0235 (August 21, 2025)

To the Election Assistance Commission

By the Center for Civic Design - October 20, 2025

The Center for Civic Design is a nonprofit, nonpartisan organization that believes that democracy works when everyone is included and strives to make every interaction with the government easy, effective, and pleasant. Using core skills of plain language, accessibility, and information design, CCD develops best practices for civic design and shares them widely across the elections and democracy field.

As democracy's innovation lab, CCD's approach combines working directly with election offices, partnering with community groups and advocates, and research with voters to understand their experience of elections. We bring our expertise in designing voter information, ballots, and election forms (including voter registration forms) to the comments we offer here.

We urge the EAC not to adopt a rule to documentary proof of citizenship ("DPOC") requirements to the federal voter registration form.

The current federal voter registration form already asks about citizenship

In all current voter registration forms, voters must attest that they are citizens and eligible to vote. The National Voter Registration Act affirms that the right of U.S. citizens to vote is a "fundamental right" and that federal, state, and local governments all have a "duty to promote the exercise of that right."

Adding a requirement for proof of citizenship adds barriers to registering to vote

Millions of people could be blocked from registering, especially if they register during an election office outreach event or a voter registration drive conducted by a community organization. People are unlikely to carry documentation during everyday activities and places where these drives are conducted. And some do not have documentation at all.

- Over 21 million American citizens don't have documents like a passport or birth certificate readily available, according to a study at the University of Maryland.
- Many older voters were born before birth certificates were part of universal record-keeping, making them hard to obtain or validate. In some cases, older records have been destroyed in natural disasters.
- Many may not have easy access to those documents, including people in nursing or congregate care homes, unhoused people, eligible incarcerated people, and university students living away from home.
- Married women and others who have changed their names may not have all of the documents needed to prove their identity.

Requiring proof of citizenship makes election administration more difficult

Validating citizenship documents would increase the time and resources needed to process a voter registration application. New procedures would be needed, including new systems for verifying documents, training in how to recognize valid documents, processes for contacting voters if their documents cannot be validated, and for handling and storing sensitive, personal documents.

Election offices will not only have to be prepared for the documents in their own state, but from every state in the country, accurately reading any tribal document, birth certificate, military, state, or federal document. As an example of the challenges, the petition suggests that both RealID and military IDs can be used as documentary proof of citizenship, but RealID only proves legal presence and only a few military IDs prove citizenship.

This is both a large one-time investment and has ongoing costs that every office will have to cover, in offices that are already underfunded for the work they do to run - and protect - the voting process.

The checks in place already work

In states across the country, investigations of non-citizens being on the voter registration list have turned up only a handful of cases among the millions of voters on the list and call non-citizen voting "vanishingly rare"

In summary

Implementing documentary proof of citizenship is not needed, will make election administration more costly, and could potentially prevent millions of eligible citizens from voting. We urge the EAC not to adopt a nationwide rule requiring documentary proof of citizenship on the Federal Voter Registration Form.