



U.S. ELECTION ASSISTANCE COMMISSION  
633 3rd St. NW, Suite 200  
Washington, DC 20001

VIA EMAIL

April 11, 2025

Dear Chief Election Officials,

Consistent with 52 U.S.C. § 20508(a)(2), the U.S. Election Assistance Commission ("EAC") is seeking consultation on development of the national mail voter registration form.

Executive Order 14248 of March 25, 2025, "Preserving and Protecting the Integrity of American Elections" ("EO 14248") provides instruction to the EAC. Section 2 of EO 14248 instructs the following be required in the national mail voter registration form:

- (A) documentary proof of United States citizenship, consistent with 52 U.S.C. 20508(b)(3); and
- (B) a State or local official to record on the form the type of document that the applicant presented as documentary proof of United States citizenship, including the date of the document's issuance, the date of the document's expiration (if any), the office that issued the document, and any unique identification number associated with the document as required by the criteria in 52 U.S.C. 21083(a)(5)(A), while taking appropriate measures to ensure information security.

Section 2 of EO 14248 also instructs that "documentary proof of United States citizenship" shall include a copy of:

- (A) a United States passport;
- (B) an identification document compliant with the requirements of the REAL ID Act of 2005 (Public Law 109-13, Div. B) that indicates the applicant is a citizen of the United States;
- (C) an official military identification card that indicates the applicant is a citizen of the United States; or
- (D) a valid Federal or State government-issued photo identification if such identification indicates that the applicant is a United States citizen or if such identification is otherwise accompanied by proof of United States citizenship.

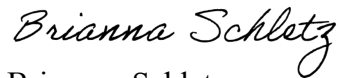
A current copy of the national mail voter registration form is available here:

[https://www.eac.gov/sites/default/files/eac\\_assets/1/6/Federal\\_Voter\\_Registration\\_ENG.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf).

The EAC is seeking consultation on how states would propose to implement Section 2 of EO 14248, if required. The EAC is also seeking feedback on the impact of implementation on voter registration in your state. As required by 52 U.S.C. § 20508, the EAC will consider responses in any amendments to the national mail voter registration form or EAC implementing regulations.

The EAC looks forward to your input. Comments may be sent to [NVRAUpdates@eac.gov](mailto:NVRAUpdates@eac.gov) or by mail at 633 3rd Street NW, Suite 200 Washington, DC 20001.

Thank you,

A handwritten signature in black ink that reads "Brianna Schletz". The script is cursive and fluid, with the first name "Brianna" and last name "Schletz" clearly legible.

Brianna Schletz  
EAC Executive Director

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## Chief Election Official - Consultation Letter

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**From** Brianna Schletz <BSchletz@eac.gov>

**Date** Fri 4/11/2025 3:33 PM

**Cc** NVRAupdates <NVRAupdates@eac.gov>; Camden Kelliher <ckelliher@eac.gov>

 1 attachment (224 KB)

April 11 2025 EAC Consultation Letter (002).pdf;

Good afternoon,

On behalf of the Commission, please find attached a consultation request in your capacity as State Chief Election Official. Please send your input to [NVRAUpdates@eac.gov](mailto:NVRAUpdates@eac.gov).

Best,

Brianna

**Brianna Schletz** | Executive Director  
U.S. Election Assistance Commission  
633 3rd Street NW, Suite 200 | Washington, DC 20001  
[www.eac.gov](http://www.eac.gov)

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**RE: RE: Chief Election Official - Consultation Letter**

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**From** Brianna Schletz <BSchletz@eac.gov>

**Date** Wed 4/30/2025 12:22 PM

**Cc** NVRAupdates <NVRAupdates@eac.gov>; Camden Kelliher <ckelliher@eac.gov>; Reynolds, Leslie <[REDACTED]@nass.org>; Lindsey Forson <[REDACTED]@nass.org>; Maria Benson <[REDACTED]@nass.org>; Amy Cohen <[REDACTED]@nased.org>; Kristen Muthig <[REDACTED]@eac.gov>

Good afternoon,

On April 24, 2025, the U.S. District Court for the District of Columbia issued a ruling which preliminarily enjoined the U.S. Election Assistance Commission (EAC) from taking any action to implement or give effect to Section 2(a) of Executive Order 14248, "Preserving and Protecting the Integrity of American Elections." This includes taking any action based on the Executive Order to modify the content of the federal voter registration application form described in 52 U.S.C. § 20508(a)(2). Pursuant to this ruling by the District Court, the solicitation of communications in response to the correspondence from the EAC dated April 11, 2025, regarding Section 2(a) of Executive Order 14248, is hereby paused.

The EAC is committed to transparency and keeping you informed through this process. The EAC will continue to provide updates if there are changes based on the continuing litigation. Additionally, we anticipate future communication on unrelated or other updates to the form. For any potential changes to the form, know the EAC values your input and shall thoroughly consider it consistent with the requirements set out in the National Voter Registration Act.

**Brianna Schletz** | Executive Director  
U.S. Election Assistance Commission  
633 3rd Street NW, Suite 200 | Washington, DC 20001  
[www.eac.gov](http://www.eac.gov)  
Cell: 202-740-6910

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**From:** Brianna Schletz

**Sent:** Wednesday, April 16, 2025 12:10 PM

**Cc:** NVRAupdates <NVRAupdates@eac.gov>; Camden Kelliher <ckelliher@eac.gov>; Reynolds, Leslie <[REDACTED]@nass.org>; Lindsey Forson <[REDACTED]@nass.org>; Maria Benson <[REDACTED]@nass.org>; [REDACTED]@nased.org

**Subject:** RE: Chief Election Official - Consultation Letter

Good afternoon,

On April 11, 2025, the EAC sent the attached consultation request.

The EAC is still seeking consultation as described. However, some recipients have expressed concern over a lack of a deadline for feedback. The EAC will accept feedback received by Friday, May 2, 2025. Please note that this is an initial consultation. Chief Election Officials will also be consulted on any proposed changes to the EAC implementing regulations or the form prior to implementation. The purpose of this initial consultation is to guide the EAC in any proposed changes, which require further comment.

Best,

Brianna

**Brianna Schletz** | Executive Director

U.S. Election Assistance Commission

633 3rd Street NW, Suite 200 | Washington, DC 20001

[www.eac.gov](http://www.eac.gov)

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Kristen Zebrowski Stavisky  
Co-Executive Director

May 2, 2025

Brianna Schletz, Executive Director  
United States Election Assistance Commission  
633 3rd St. NW, Suite 200  
Washington, DC 20001

NVRAUpdates@eac.gov

Dear Director Schletz,

On April 11, 2025 you solicited my consultation as the Chief State Election Official pursuant to 52 § U.S.C. 20509, regarding the development of the national mail voter registration form pursuant to 52 U.S.C. § 20508 (a) (2). Thank you for the opportunity to provide input regarding Executive Order 14248 and its potential impact on the National Mail Voter Registration Form.

It is clear implementation of Section 2 of Executive Order 14248 would be ill-conceived and illegal.

New York fully complies with the National Voter Registration Act of 1993 (NVRA), which prohibits additional documentation requirements beyond the attestation of eligibility under penalty of perjury (see *52 U.S.C. § 20507(a)(5)*). The proposed requirements under EO 14248 not only contravene this statutory framework but would also harm the work of State and local election officials, and result in massive disenfranchisement.

Current provisions of Federal and New York law have been sufficient to prevent noncitizen voting. I will not recount the substantial list maintenance measures required by Federal law of which the EAC is well aware that New York not only complies with but exceeds.

Importantly, the crime of noncitizen voting cannot be hidden in New York which is why it is rare. New York records each instance of a voter's participation in an election and ensures the transparency and wide dissemination of that voter participation data. As a result, illegal voting attempts would always be traceable and thus redressable under criminal statutes, both state and federal.

As one commentator describes, there are “vanishingly few” instances where noncitizens have voted illegally in New York – or anywhere else. And when this does occur, there are swift criminal and civil consequences waiting. I can also assert with confidence that noncitizen voting *has never* determined an election outcome in New York.

In contrast to the imaginary nature of widespread noncitizen voting, there are real disenfranchising consequences to EO 14248. Peer-reviewed research demonstrates that barriers like those the EO attempts to erect will burden and disenfranchise voters.<sup>1</sup> Indeed, the barriers contemplated by the Executive Order will actually end voter registration by mail because voter registration under the Executive Order can only be completed by the in-person tender of original identification documents that validate citizenship.

Inasmuch as the vast majority of New Yorkers do not have any single document that would satisfy the documentation requirements of the Executive Order, applicants will typically need to provide multiple documents, one that identifies the voter and one that verifies citizenship. And in circumstances where the voter simply has no locatable qualifying documents, either by virtue of life circumstances or perhaps recent calamity like a house fire or dislocation from natural disaster, voter registration for an imminent election will often be effectively denied. These changes would also disproportionately affect voters without ready access to such documents, including many senior citizens, naturalized citizens, rural residents, and low-income individuals. This raises serious equity and compliance concerns under both the NVRA and the Voting Rights Act.

Furthermore, New York operates a bottom-up voter registration system, in which each of our 58 county and city boards of elections maintains and administers its own voter registration database, sharing data with the state database. Each county utilizes vendor-developed systems that are approved for use at the state level but are independently managed and supported. Requiring counties to implement bifurcated processes to differentiate between federal and state registration

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<sup>1</sup> <https://www.brennancenter.org/our-work/research-reports/research-voter-id>

eligibility—or to capture, store, and secure scanned documentary proof of citizenship and associated metadata—would create a substantial administrative burden, necessitate costly and potentially infeasible technical upgrades across multiple disparate systems, and of course introduce unnecessary voter confusion.

I respectfully urge the Election Assistance Commission to not proceed with any changes to the federal voter registration form that incorporate the illegal and disenfranchising documentary proof of citizenship provisions described in EO 14248.

I appreciate the EAC's commitment to collaborative consultation and welcome continued dialogue on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristen Stavisky", with a stylized flourish at the end.

Kristen Zebrowski Stavisky  
Chief Election Official, State Of New York

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May 2, 2025**By Email**

Executive Director Brianna Schletz  
U.S. Election Assistance Commission  
633 3rd St. NW, Suite 200  
Washington, DC 20001  
[NVRAUpdates@eac.gov](mailto:NVRAUpdates@eac.gov)

Dear Executive Director Schletz,

I am Nevada's Chief Officer of Elections, and I write in response to your April 11, 2025 letter to Chief Election Officials.<sup>1</sup> You requested Chief Election Officials' input on implementation of Section 2(a) of President Trump's Executive Order No. 14248 ("EO"). That EO purports to require the addition of a requirement of documentary proof of United States citizenship ("DPOC") in the national mail voter registration form described in 52 U.S.C. § 20508 ("Federal Form").<sup>2</sup> I take this opportunity to voice my unequivocal opposition to any such proposal. A DPOC requirement is not necessary and is therefore precluded by the National Voter Registration Act of 1993 ("NVRA"). Further, it would impose severe implementation challenges and undue hardship on State and local officials, while simultaneously threatening mass disenfranchisement of lawful Nevada voters.

Though your letter requests information only on implementation of the EO's Section 2(a), I write with additional information that is vital to the EAC's process.<sup>3</sup> Specifically, the Federal Form is a requirement of the NVRA. The NVRA's overarching purposes—and the purposes of the Federal Form—include "establish[ing] procedures that will increase the number of eligible citizens who

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<sup>1</sup> It does not appear that you sent me this letter, but I feel it is incumbent on me to provide a response to the ill-advised change contemplated therein.

<sup>2</sup> Although the Election Assistance Commission ("EAC") and its Commissioners are currently enjoined from taking any action to implement or give effect to Section 2(a), I provide this response in the event the injunction is lifted. *League of United Latin Am. Citizens v. Exec. Office of the President*, Case Nos. 25-0946 (CKK), 25-0952 (CKK), 25-0955 (CKK), 2025 WL 1187730, at \*63 (D.D.C. Apr. 24, 2025).

<sup>3</sup> I note that, as the administration has conceded, any changes to the Federal Form must go through an Administrative Procedure Act ("APA") notice-and-comment proceeding. See 5 U.S.C. § 553; Defs.' Resp. in Opp'n to League and LULAC Pls.' Mot. for Prelim. Inj. at 6, *League of United Latin Am. Citizens v. Exec. Office of the President*, Case No. 25-cv-00946-CKK (D.D.C. Apr. 14, 2025), ECF No. 85. It appears you abandoned that procedure in sending your letter. My comments today are not intended to be a substitute for participation in any appropriate APA notice-and-commented proceeding, and I reserve all rights to protest the lack of such a procedure and to participate in any such notice-and-comment proceeding that is initiated.

register to vote in elections for Federal office” and “enhanc[ing] the participation of eligible citizens as voters in elections for Federal office.” 52 U.S.C. § 20501(b). President Trump’s unlawful directive to require DPOC on the Federal Form violates those purposes. I am committed to preserving the ability of all eligible Nevadan voters to exercise their fundamental right to vote under state and Federal law. Therefore, I strongly urge the EAC to reject the addition of a requirement that would dramatically and unnecessarily undermine the ability of Nevada’s citizens to vote.<sup>4</sup>

## I. The NVRA Prohibits Inclusion of a DPOC Requirement for the Federal Form

As we all agree, establishing an applicant’s eligibility to vote requires establishing citizenship. But the NVRA and Help America Vote Act of 2002 (“HAVA”) already dictate the criteria for that assessment: the Federal Form requires that the applicant attest to their citizenship under penalty of perjury. Specifically, under the NVRA, the Federal Form “shall include a statement that” (a) “specifies” all voter eligibility requirements, “including citizenship”; (b) “contains an attestation that the applicant meets each such requirement”; and (c) “requires the signature of the applicant, under penalty of perjury.” 52 U.S.C. § 20508(b)(2). HAVA later added another form of attestation to the Federal Form: “The question ‘Are you a citizen of the United States of America?’ and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.” 52 U.S.C. § 21083(b)(4)(A)(i).

The NVRA also defined specific limitations on the information that can be required by the Federal Form. Specifically, the Federal Form can “require only such identifying information . . . as is *necessary* to enable the appropriate State election official to assess the eligibility of the applicant.” 52 U.S.C. § 20508(b)(1) (emphasis added). For a Federal Form requirement to be “necessary,” it must be “essential,” *Mi Familia Vota v. Fontes*, 129 F.4th 691, 713 (9th Cir. 2025) (citations omitted), meaning more than merely beneficial.<sup>5</sup> The NVRA prohibits requiring any additional information beyond that.<sup>6</sup> Further, the NVRA specifies that the Federal Form “may not include any requirement for . . . other formal authentication.” 52 U.S.C. § 20508(b)(3).

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<sup>4</sup> On April 3, 2025, the State of Nevada, together with 18 other States, sued President Trump, the EAC and its Commissioners, and other federal defendants to challenge the unconstitutional and unlawful EO. See Compl. for Declaratory and Injunctive Relief, *California v. Trump*, Case No. 25-cv-10810-DJC (D. Mass. Apr. 3, 2025), ECF No. 1. I do not repeat arguments raised in the litigation, and this letter in no way waives Nevada’s arguments raised in the litigation.

<sup>5</sup> For instance, the Ninth Circuit has held, in the context of the Endangered Species Act that, “both the accepted plain meaning of ‘essential’ and the relevant surrounding statutory terms . . . unambiguously establish that for an area to be ‘essential’ for conservation of a species,” as required to designate it a “critical habitat,” “it must be more than beneficial; rather, the agency must determine that the species cannot be brought” to a sufficient level without the critical habitat designation. See *Ctr. for Biological Diversity v. United States Fish & Wildlife Serv.*, 67 F.4th 1027, 1036–37 (9th Cir. 2023).

<sup>6</sup> For example, a court held that when election officials in Tennessee had the information needed to assess an applicant’s eligibility regarding previous felony convictions, Tennessee’s policy requiring

As has been confirmed by both Congress and by your Commission, DPOC is not “necessary,” and therefore cannot be required. In enacting the NVRA, Congress determined that a DPOC requirement was “not necessary or consistent with the purposes of” the NVRA. H.R. Rep. No. 103-66, at 23 (1993) (Conf. Rep.). Instead, Congress concluded that attestation under penalty of perjury and criminal penalties were “sufficient safeguards to prevent noncitizens from registering to vote.” S. Rep. No. 103-6, at 11 (1993). And your Commission has come to the same conclusion. Your Commission has explained that through the rulemaking process, it has “specifically considered and determined” that the safeguards provided by the NVRA and HAVA “were all that [were] necessary to enable state officials to establish the *bona fides* of a voter registration applicant’s citizenship.” EAC, Dkt. No. EAC-2013-0004, Memorandum of Decision Concerning State Requests to Include Additional Proof-of-Citizenship Instructions on the National Mail Voter Registration Form, at 22 (Jan. 17, 2014) (“EAC Memo”). Your own Commission has also explained that requiring DPOC “would be tantamount to requiring ‘formal authentication’ of an individual’s registration application,” as prohibited by 52 U.S.C. § 20508(b)(3). See *id.* at 21 n.9.

These determinations were appropriate and correct when made, and continue to be so today. For at least two reasons, DPOC is not essential for assessing an applicant’s eligibility. First, the attestation of citizenship already required is sufficient. As your Commission has recognized, the attestation and legal consequences for improper registration act as “powerful and effective deterrent[s] against voter registration fraud.” *Id.* at 30. The penalties for registering when not a citizen are enormously consequential. Federal and State law impose serious criminal penalties for noncitizen registration. See, e.g., 18 U.S.C. § 1015(f) (knowingly false claim of citizenship to register to vote punishable by up to five years in prison and up to \$250,000 fine); Nev. Rev. Stat. 293.800(1) (category E felony, punishable by no less than one year and up to four years in prison and up to \$5,000 fine, for willfully falsifying information on voter registration application). And a non-citizen registering to vote may be subjected to a permanent determination of inadmissibility and even deportation. See, e.g., 8 U.S.C. §§ 1182(a)(6)(C)(ii) (false representation of citizenship to obtain benefits under Federal law generally renders an alien inadmissible), 1227(a)(3)(D) (false representations of citizenship to obtain benefits under Federal law generally renders an alien deportable). The penalties that attend false attestation of citizenship confirm that attestation is sufficient, and additional proof of citizenship is not “necessary.” See *Mi Familia Vota*, 129 F.4th at 713; see also *Fish v. Schwab*, 957 F.3d 1105, 1142 (10th Cir. 2020) (affirming that, after a trial on the merits, the plaintiff “failed to demonstrate that substantial numbers of noncitizens successfully registered to vote notwithstanding the attestation requirement”).

Second, and in addition to the “powerful and effective deterrent” effect of the attestation requirement and possible legal consequences, EAC Memo at 30, State election officials already can use a variety of additional tools to verify citizenship and maintain accurate voter rolls,

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additional documentation “[did] not comply with the NVRA’s prohibition against requiring unnecessary information.” *Tenn. Conf. of Nat’l Ass’n for Advancement of Colored People v. Lee*, 730 F. Supp. 3d 705, 740 (M.D. Tenn. 2024).

including departments of motor vehicles databases, juror questionnaires, birth record data, and other state and Federal databases. See EAC Memo at 38–41. These efforts across the country continue to confirm a simple truth: noncitizens are not registering to vote or voting in significant numbers in U.S. elections.<sup>7</sup> Thus, imposing a DPOC requirement is a solution in search of a problem. Rather than addressing a real issue, DPOC instead threatens to be a costly, chaotic intervention that could disenfranchise millions.

At bottom, the relevant inquiry is whether State election officials need DPOC to assess registrants' eligibility. 52 U.S.C. § 20508(b)(1). The President's policy preferences are irrelevant.

## II. A DPOC Requirement Would Have Enormous Consequences for the State and its Local Governments

Nevada is one of the 44 states that must “accept and use” the Federal Form to register Federal voters. 52 U.S.C. § 20505(a)(1). Nevada also offers its own registration form that “meets all of the criteria” for the Federal Form. *Id.* § 20505(a)(2). And Nevada’s designated voter

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<sup>7</sup> Recent audits and investigations conducted by state officials, nonprofit organizations, and news organizations consistently reveal a vanishingly small number of suspected noncitizen voters, comprising only a fraction of a percentage of votes cast in recent elections. See, e.g., Jude Joffe-Block, *6 facts about false noncitizen voting claims and the election*, NPR (Nov. 5, 2024), <https://www.npr.org/2024/10/12/nx-s1-5147789/voting-election-2024-noncitizen-fact-check-trump> (summarizing data). For example, a study of 42 jurisdictions with high noncitizen populations found only 30 cases of suspected noncitizen voting in the 2016 Presidential Election across jurisdictions representing 23.5 million votes—an incident rate of 0.0001 percent. Douglas Keith & Myrna Perez, *Noncitizen Voting: The Missing Millions*, BRENNAN CENTER (May 5, 2017), <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-missing-millions>. The Heritage Foundation maintains a database with a “sampling” of election fraud cases actually prosecuted across the country—a Washington Post review of this database found only 85 cases involving alleged noncitizen voting over a 20-year time period (2003 to 2023). See Glenn Kessler, *The truth about noncitizen voting in federal elections*, WASH. POST (Mar. 6, 2024), <https://www.washingtonpost.com/politics/2024/03/06/truth-about-noncitizen-voting-federal-elections/>. State-level audits and reviews conducted by election officials have revealed similar findings. The North Carolina State Board of Elections identified just 41 individuals with immigration status (e.g., a green card), who cast a ballot out of the state’s 4.8 million voters in the 2016 Presidential Election. N.C. State Bd. of Elections, Post-Election Audit Report at 2, (April 21, 2017), [https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report\\_2016%20General%20Election/Post-Election\\_Audit\\_Report.pdf](https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report_2016%20General%20Election/Post-Election_Audit_Report.pdf). A similar audit conducted by the Georgia Secretary of State in 2024 found only 20 noncitizens on the state voter roll out of the state’s 8.2 million voters, only 9 of whom had any record of casting a ballot. *Georgia citizenship audit finds few noncitizens on voter rolls*, AP (Oct. 23, 2024), <https://apnews.com/article/georgia-noncitizens-voter-rolls-14532ef49b66f9cbf34ff483d2534280>. And a recent review conducted by the Michigan Department of State produced a similar result—only 15 credible cases of possible noncitizen voting identified out of more than 5.7 million ballots cast, for an incident rate of only .00028 percent. Mich. Dep’t of State, Michigan Department of State review confirms instances of noncitizen voting are extremely rare (April 3, 2025), <https://www.michigan.gov/sos/resources/news/2025/04/03/michigan-department-of-state-review-confirms-instances-of-noncitizen-voting-are-extremely-rare>.

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registration agencies offer voter registration through forms “equivalent” to the Federal Form. Id. § 20506(a)(6)(A)(ii). A change to the Federal Form requiring DPOC would be extremely costly to implement in Nevada, both in terms of time and money.

**A. Nevada Would Have to Devote Significant Time to Implement a DPOC Requirement, to the Detriment of Actually Necessary Election Administration Priorities**

Consistent with prior practices in my State, changing voter registration requirements in Nevada could lead to changes to up to six separate forms and systems: the state paper application form, Nevada’s online voter registration application, the online downloadable PDF form, the form used at the Nevada Department of Motor Vehicles (“DMV”), the Uniformed and Overseas Citizens Absentee Voting Act voting and registration system, and the statewide voter registration database. Changes would also need to be made in additional languages to comply with Section 203 of the Voting Rights Act. These changes would require a time-intensive process for functionality testing, legal review, and user design testing to reduce or prevent voter confusion.

Further, we would need to coordinate with local election officials and voter registration agencies, designated pursuant to 52 U.S.C. § 20506,<sup>8</sup> to ensure that they are able to accurately track and assess citizenship, see EO § 2(a)(i)(B). My office would need to draft and provide guidance on new forms, including training on how the forms work. And we would need to take action to change the statewide voter database and online voter registration portal that interfaces with it. All of this would further require my office to produce training, materials, and communications for a variety of constituencies, including county and city election officials, voter registration agencies, nongovernmental organizations, and the voting public.

Nevada’s State and local election officials work year-round, every year, to prepare for and administer elections. My staff is currently working on, among many other things, preparing for our next election, providing feedback on proposed elections-related bills during the ongoing, biennial Legislative session in Nevada, collaborating with local election officials on list maintenance, and enhancing cyber- and physical-security measures. In short, my staff’s time is already fully committed to ensuring that the legal and technical aspects of election administration continue to run smoothly in Nevada. My staff has already started preparing for a change to the Federal Form, to the detriment of other office priorities. The time my staff has and would continue to have to devote to implementing the DPOC requirement described in the EO is a significant burden that impairs our ability to address other time-sensitive, core priorities.

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<sup>8</sup> Voter registration agencies in Nevada include the DMV, the offices of the city and county clerks, divisions of the Nevada Department of Health and Human Services, a division of the Nevada Department of Employment, Training and Rehabilitation, and the U.S. Armed Forces Recruitment Offices. See Nev. Sec’y of State, Voter Registration Agencies Designation, <https://www.nvsos.gov/sos/home/showpublisheddocument/8250/638593034891230000>.

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**B. A Change to the Federal Form to Include DPOC Would Require Significant Monetary Expenditures**

In addition to the labor that would be required to implement a DPOC requirement for voter registration, the requirement would also require the use of significant funds. Notably, I have already submitted my budget request to the Nevada Legislature, whose regular session ends on June 2, 2025, with no new regular session scheduled until 2027. The funds requested have already been allocated; there is no surplus that could cover the addition of a DPOC requirement to the Federal Form. Yet, adding a DPOC requirement would call for at least the following expenses:

- Likely more than a million dollars from our budget to implement a public-facing education campaign to ensure citizens know how to register or update their registrations and avoid disenfranchisement to the greatest extent possible.
- Approximately \$72,000 to replace voter registration forms statewide.
- Approximately \$24,000 to update applicable voter registration technology.

If the Legislature does not increase my budget to accommodate the addition of a DPOC requirement to the Federal Form, other priorities directly relating to election administration and registration of voters will be irreparably harmed. Even if the Legislature increases my budget, that negatively impacts the State's ability to govern itself and prioritize how to allocate funds within the State to its citizens' greatest benefit.

**III. A DPOC Requirement Would Result in Mass Disenfranchisement**

As defined in the EO, DPOC includes (a) "a United States passport"; (b) a REAL ID that indicates the applicant is a citizen of the United States; (c) "an official military identification card that indicates the applicant is a citizen of the United States"; and (d) "a valid Federal or State government-issued photo identification if such identification indicates that the applicant is a United States citizen or if such identification is otherwise accompanied by proof of United States citizenship." EO § 2(a)(ii). Requiring applicants to show one of these forms of identification would impose a burden on applicants that many will be unable to surmount.

United States Passport. Approximately half of Americans do not have a valid passport.<sup>9</sup> And it is no simple feat to obtain a passport: first-time applicants must pay \$165<sup>10</sup> and, routine processing times can take over a month.<sup>11</sup>

REAL ID. Nevada REAL ID driver's licenses do not indicate U.S. citizenship.<sup>12</sup>

Military Identification. Of course, there are only a limited number of individuals who would have military identification.<sup>13</sup> According to the 2023 Department of Defense demographics report, there are only about 12,000 active duty members in Nevada and approximately an additional 7,300 spouses and dependents over the age of 12 in Nevada who may have a military identification. Additionally, as of 2024, there are only about 4,450 uniformed Nevada National Guard members who may have a valid military identification as well.<sup>14</sup> And of those, individuals with legacy military identification cards, which remain valid through expiration or possibly indefinitely, would not have identifications indicating citizenship.<sup>15</sup>

I also note that my understanding is that current military identifications do not affirmatively indicate citizenship, but rather only indicate non-citizenship in certain cases. This lack of basic foresight and appropriate planning by the Federal government is consistent with the rest of the poorly thought-out and illegal EO, and compliance to enable the use of a military identification card as DPOC would likely require replacing all identification cards provided to the Department of Defense Total Force (approximately 3.4 million individuals) along with their eligible family members (approximately 2.4 million individuals)<sup>16</sup> prior to the next Federal election cycle; a likely impossible task.

Federal or State Government-Issued Photo Identification Otherwise Accompanied by Proof of Citizenship. It is not clear what either aspect of this refers to, beyond the categories of identification already described above. To the extent "proof of citizenship" here refers to birth

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<sup>9</sup> U.S. Dep't of State, Expanding Passport Agencies Across the United States (June 18, 2024), <https://2021-2025.state.gov/expanding-passport-agencies-across-the-united-states/> (identifying that 48% of Americans have a passport).

<sup>10</sup> U.S. Dep't of State, Passport Fees, <https://travel.state.gov/content/travel/en/passports/how-apply/fees.html> (last visited Apr. 18, 2025).

<sup>11</sup> U.S. Dep't of State, Get Your Process Time, <https://travel.state.gov/content/travel/en/passports/how-apply/processing-times.html> (last visited Apr. 18, 2025).

<sup>12</sup> See DMV, Driver's License Design, <https://dmv.nv.gov/dldesign.htm> (last visited Apr. 18, 2025).

<sup>13</sup> See U.S. Dep't of Defense, 2023 DOD Demographics, Profile of the Military Community, at 36, 198, <https://download.militaryonesource.mil/12038/MOS/Reports/2023-demographics-report.pdf>.

<sup>14</sup> See Nev. Nat'l Guard, Biennial Report 2025, at 4, <https://nv.ng.mil/Portals/74/2025%20Biennial%20Report.pdf>.

<sup>15</sup> See U.S. Dep't of Defense, Next Generation Uniformed Services ID Card, <https://www.cac.mil/Next-Generation-Uniformed-Services-ID-Card/> (last visited Apr. 18, 2025).

<sup>16</sup> See U.S. Dep't of Defense, 2023 DOD Demographics, Profile of the Military Community, at 3, 110, <https://download.militaryonesource.mil/12038/MOS/Reports/2023-demographics-report.pdf>.

certificates, even those cost money to obtain (in Nevada, \$25).<sup>17</sup> A meaningful portion of U.S. citizens lack access to such identification. Indeed, according to one national survey, approximately 10% of adult citizens do not have ready access to documentation proving citizenship.<sup>18</sup>

In sum, imposing a DPOC requirement will result in a significant reduction in the ability of applicants to register to vote. Your Commission has recognized that pattern in the past. See EAC Memo at 41 (quoting *Gonzalez v. Arizona*, No. 06-CV-1268, slip op. at 13–14 (D. Ariz. Aug. 20, 2008) (explaining that between January 2005 and September 2007, over 31,000 Arizona applicants were “unable (initially) to register to vote” after DPOC was required and that “of those applicants, only about 11,000 (roughly 30 percent) were subsequently able to register.”). Thus, imposing a DPOC requirement “would likely hinder eligible citizens from registering to vote in federal elections, undermining a core purpose of the NVRA.” *Id.* at 42.

#### IV. If the EAC Intends to Adopt a DPOC Requirement for the Federal Form, It Must Provide Additional Time, Flexibility, and Clarity for Implementation

In the event that the EAC is determined to violate the spirit, text, and purposes of the NVRA and adopt a DPOC requirement on the Federal Form, I urge the following:

- Deferral of the effective date of a new Federal Form for a date at least two years in the future and at least one year prior to a national general election to allow the State and its local governments adequate time to allocate requisite funding, test and implement changes, and develop guidance and public-facing messaging.
- Greater specificity on what qualifies as adequate DPOC:
  - Confirm that DPOC, such as a U.S. passport, can be expired.
  - Confirm that U.S. birth certificates—including consular reports of birth abroad—count as DPOC.
  - Confirm that U.S. tribal identification cards count as DPOC, even if they do not explicitly identify citizenship.
  - Confirm that an applicant’s name on their voter registration application does not necessarily need to match their DPOC (for instance, if a person has changed their last name following marriage, a U.S. passport or birth certificate with their pre-marital name is acceptable).

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<sup>17</sup> See U.S. Ctrs. for Disease Control & Prevention, Nat’l Ctr. for Health Statistics, Nevada, <https://www.cdc.gov/nchs/w2w/nevada.htm> (last visited Apr. 18, 2025).

<sup>18</sup> Hansi Lo Wang, *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>.

- The addition of an attestation option that allows for those who lack DPOC to attest to that fact and again attest to their U.S. citizenship.

The types of DPOC that are acceptable is a vitally important consideration. A State or local official improperly denying or accepting an applicant's registration based on the type of DPOC presented could open the official to civil and criminal action. 52 U.S.C. §§ 20510, 20511. And under the EO, the EAC could also potentially withhold funds based on errors in applying any DPOC requirement. EO § 4(a). With such possible penalties, it would be gravely unjust not to provide detailed rules on what constitutes valid DPOC.

## V. Conclusion

We know from court proceedings that the President's administration says the outcome of this proceeding is a foregone conclusion. As counsel for the administration put it: "[T]here's going to be documentary proof [of citizenship] because it's contemplated by the executive order" and input from stakeholders is merely about "[t]he language, the words chosen, the way the form is designed." See Transcript, *League of United Latin Am. Citizens v. Exec. Office of the President*, Case No. 25-cv-00946-CKK at 70:20–24; 71:13–15 (D.D.C. Apr. 17, 2025). But that is unlawful. The EAC is an "independent entity," 52 U.S.C. § 20921, with an inherent requirement of bipartisanship, see 52 U.S.C. §§ 20921, 20923(a)(1), (b)(2), (b)(3)(A). Further, as to developing the Federal Form, the EAC must make reasoned decisions with input from key stakeholders. See 52 U.S.C. § 20508(a)(2); *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016). I urge the EAC to honor that charge and exercise its discretion to reject the President's unlawful directive to include a DPOC requirement on the Federal Form.

Respectfully,



Francisco V. Aguilar  
Secretary of State



**NEW HAMPSHIRE SECRETARY OF STATE**  
**David M. Scanlan**

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April 14, 2024

Chairman Commissioner Donald L. Palmer  
Election Assistance Commission  
663 3<sup>rd</sup> Street NW, Suite 200  
Washington, DC 20001

Re: Consultation on Executive Order 14248

Dear Election Assistance Commission:

The "national mail voter registration form" is required by the National Voter Registration Act. That Act does not apply to New Hampshire.

**(b) Nonapplicability to certain States.** This Act does not apply to a State described in either or both of the following paragraphs:

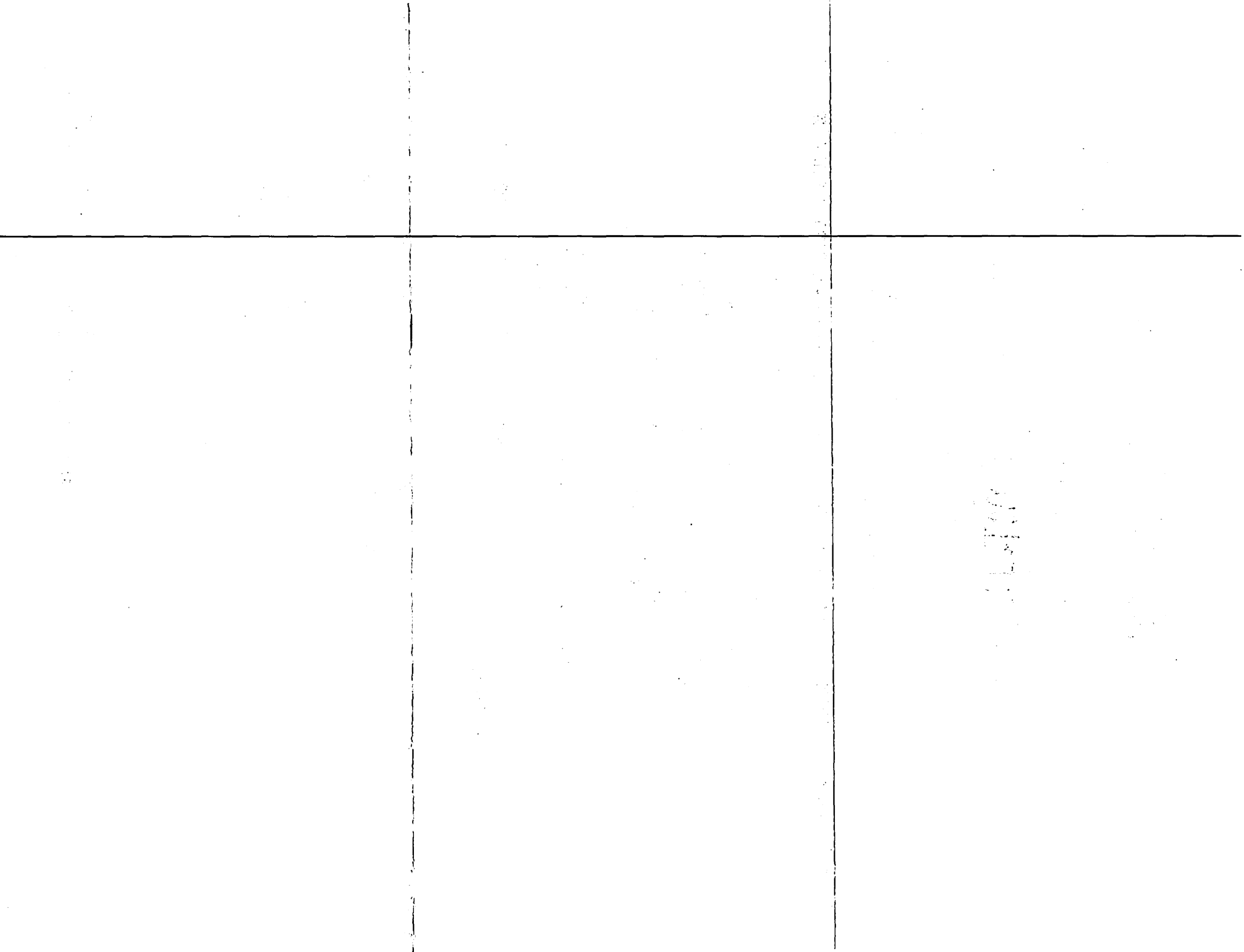
...

**(2)** A State in which under law that is in effect continuously on and after August 1, 1994, or that was enacted on or prior to August 1, 1994, and by its terms is to come into effect upon the enactment of this Act [enacted May 20, 1993], so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

52 USCS § 20503. New Hampshire has had and continues to have election day voter registration at the polling place at the time of voting. Therefore, as the national mail voter registration form is not used and will not be used in New Hampshire, we defer to states using the form to provide consultation.

Sincerely,

David M. Scanlan  
Secretary of State





# GUAM ELECTION COMMISSION

## Kumision Eleksion Guåhan

Your VOTE is your voice. ✓ BOTA ya un ma kuenta.



April 18, 2025

Honorable Donald J. Palmer  
Chairman  
U.S. Election Assistance Commission  
633 3<sup>rd</sup> Street NW, Suite 200  
Washington, DC 20001

Hand delivered  
4/24/25 HF

Re: *Applicability of Executive Order 14248 to Guam and Its Implications for Election Administration*

Hafa Adai Chairman Palmer:

The Guam Election Commission (GEC) respectfully seeks your guidance on the application of Executive Order 14248, *"Preserving and Protecting the Integrity of American Elections,"* issued on March 25, 2025, to the U.S. Territory of Guam.

### I. Applicability of Executive Order 14248 to Guam

As a U.S. territory, Guam occupies a different position under federal election law. While the Executive Order imposes new federal requirements related to voter registration—specifically, the provision of documentary proof of U.S. citizenship—we note that the primary statutory basis for these changes, including the National Voter Registration Act (NVRA) and sections of the Help America Vote Act (HAVA), have not been extended by Congress to apply to the territories. Specifically,

- The NVRA, codified at 52 U.S.C. § 20501 et seq., is limited to the 50 states and the District of Columbia. Guam is not named or defined as a “State” within this statute.
- The voter registration process in Guam is governed by local law, namely 3 GCA § 3101 et seq., and is already restricted to U.S. citizens under 3 GCA § 3101.

Accordingly, the GEC interprets Executive Order 14248 as not directly applying to Guam's voter registration procedures. The GEC is unaware of any Congressional act that extends the Election Day ballot receipt provisions (referenced in 2 U.S.C. § 7 and 3 U.S.C. § 1) to the administration of federal elections within the territories in a way that overrides local election law.

### II. Compliance Under Guam Law

While we do not believe the Executive Order applies to Guam, we wish to emphasize that several of its stated goals are already met under Guam law, including:

1. **Voter Roll Maintenance:** GEC conducts regular list maintenance, including the removal of deceased persons and individuals who have become ineligible under local law, in accordance with established procedures and statutory authority (3 GCA § 3110).
2. **Election Integrity and System Security:** Guam uses voter-verifiable paper ballots, and all tabulation equipment is disconnected from external networks during elections. We are

fully aligned with the principles of voting system integrity outlined in the Executive Order and HAVA Section 301.

### **III. Risk of Non-Compliance: Funding and Administrative Impact**

Despite our legal position, we are concerned about the potential loss or restriction of federal funds if the U.S. Election Assistance Commission interprets the Executive Order as requiring territorial compliance as a condition of eligibility for funding under:

- HAVA Section 101 (52 U.S.C. § 21001) and
- HAVA Section 251 (52 U.S.C. § 21001 et seq.)

Guam relies on these grants to administer voter registration systems, educate voters, and maintain secure election infrastructure. The loss of these funds would severely impair our ability to fulfill both federal and local responsibilities, despite our demonstrated good-faith compliance with core election integrity principles.

We respectfully submit that withholding federal support from U.S. territories—especially where Congress has not imposed the underlying obligations—raises serious concerns of equity, constitutional consistency, and policy overreach. However, we acknowledge the possibility that such funding restrictions may be implemented via administrative rulemaking or interagency agreements, and we therefore urge the Commission to provide immediate clarification on this point.

### **IV. Request for Clarification**

Given these unresolved legal and administrative uncertainties, we respectfully request that the U.S. Election Assistance Commission:

1. Confirm whether Executive Order 14248 applies to the territories, including Guam, for purposes of voter registration, list maintenance, and ballot deadlines.
2. Clarify whether continued eligibility for HAVA-related funding—including Section 101 grants—will now require documentary proof of citizenship.
3. Affirm that local compliance with established Guam laws is sufficient to meet the substantive intent of the Executive Order, pending further legal or judicial clarification.

### **Conclusion**

The GEC remains committed to protecting the integrity of elections in Guam while ensuring that no eligible voter is unlawfully disenfranchised. We urge the EAC to provide guidance that recognizes the unique legal status of U.S. territories and preserves our access to critical federal resources.

Please do not hesitate to contact our office if further information is required.

Sincerely,



**Maria M.D. Pangelinan**  
Executive Director  
Guam Election Commission

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**FW: Chief Election Official - Consultation Letter**

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**From** Brianna Schletz <BSchletz@eac.gov>  
**Date** Mon 4/28/2025 12:23 PM  
**To** NVRAupdates <NVRAupdates@eac.gov>

**Brianna Schletz** | Executive Director  
U.S. Election Assistance Commission  
633 3rd Street NW, Suite 200 | Washington, DC 20001  
[www.eac.gov](http://www.eac.gov)  
Cell: 202-740-6910

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**From:** Kevin Niehaus <[REDACTED]@sos.arkansas.gov>  
**Sent:** Monday, April 28, 2025 12:23 PM  
**To:** Brianna Schletz <BSchletz@eac.gov>  
**Subject:** RE: Chief Election Official - Consultation Letter

You don't often get email from [REDACTED]@sos.arkansas.gov. [Learn why this is important](#)

**Caution:** This email is from an external source. Please take care when clicking links or opening attachments. If the message looks suspicious, please use the Phish Alert Report button for the security team to review.

The Arkansas Secretary of State's Office thanks you for your inquiry into our State's input regarding election security, and we share the President's concerns and vision to uphold the safety and integrity of each and every vote.

Regarding forms and documentation, the Arkansas Constitution requires the following information be on the application: the requirements to vote, attestation that the person does meet the requirements, full name, date of birth, assistant for signing (if the voter needs to be assisted), driver's license number or last 4 digits of social security number, and a yes or no statement regarding the voter's citizenship and residency status. Ark. Const. Amend 51, § 6 (a)(1)-(7). The applicant must also provide a valid photo identification if the individual doesn't have a driver's license. *Id.* at (a)(7)(C). The only other option for the applicant would be to provide any official current documentation of their current address to verify by other means. Failure to comply will result in the registrar sending the application back for proper completion. In addition, mail-in applications made through the Office of Driver Services must include the criminal penalties if the applicant commits perjury to any of the required questions or other falsely stated information. *Id.* at (b)(1)(E). Each mail-in application form is thoroughly reviewed by this office

Secretary Jester and his Elections Division are fully committed to enforcing these requirements *to the letter* with the help of the Election Assistance Commission and other Federal and State entities. This office is looking forward to a fruitful relationship with the President as well as you and your team."

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**From:** Brianna Schletz [<mailto:BSchletz@eac.gov>]

**Sent:** Wednesday, April 16, 2025 11:10 AM

**Cc:** NVRAupdates <[NVRAupdates@eac.gov](mailto:NVRAupdates@eac.gov)>; Camden Kelliher <[ckelliher@eac.gov](mailto:ckelliher@eac.gov)>; Reynolds, Leslie [REDACTED] <[\[REDACTED\]@nass.org](mailto:[REDACTED]@nass.org)>; Lindsey Forson [REDACTED] <[\[REDACTED\]@nass.org](mailto:[REDACTED]@nass.org)>; Maria Benson [REDACTED] <[\[REDACTED\]@nass.org](mailto:[REDACTED]@nass.org)>; Amy Cohen [REDACTED] <[\[REDACTED\]@nased.org](mailto:[REDACTED]@nased.org)>

**Subject:** RE: Chief Election Official - Consultation Letter

## External Message

Good afternoon,

On April 11, 2025, the EAC sent the attached consultation request.

The EAC is still seeking consultation as described. However, some recipients have expressed concern over a lack of a deadline for feedback. The EAC will accept feedback received by Friday, May 2, 2025. Please note that this is an initial consultation. Chief Election Officials will also be consulted on any proposed changes to the EAC implementing regulations or the form prior to implementation. The purpose of this initial consultation is to guide the EAC in any proposed changes, which require further comment.

Best,

Brianna

**Brianna Schletz** | Executive Director  
U.S. Election Assistance Commission  
633 3rd Street NW, Suite 200 | Washington, DC 20001  
[www.eac.gov](http://www.eac.gov)