

Documentary Proof of Citizenship Bills

At the time of this writing, bills have been introduced [in 17 different states](#) that would require Americans to present documentary proof of citizenship (“DPOC”) in order to register to vote. While the details of these bills vary from state to state, one thing all these requirements have in common is they are wholly unnecessary:

- Under federal law, only U.S. citizens are eligible to vote in federal elections, and every state likewise limits eligibility for voting in state elections to U.S. citizens only.
 - A handful of cities, counties, and other small jurisdictions *do* allow non-U.S. citizen residents to vote in local elections, such as for mayor, city council, or school board.
 - Throughout the United States, strict laws and safeguards exist to ensure only U.S. citizens participate in federal elections. Every eligible voter is already required to verify their citizenship status when registering to vote. Both natural-born citizens and those who have immigrated and gone through the naturalization process are required to attest that they are citizens, under penalty of perjury.
- A non-U.S. citizen who submits a voter registration form or tries to cast a ballot in a state or federal election for which they are ineligible can face [prison time or deportation](#), risking the significant amount of time, money, and resources they’ve spent to immigrate to and remain in the U.S. — and potentially their own physical security — just to cast one ballot.
- Multiple studies and analyses show that non-citizen voting in state and federal elections is [practically non-existent](#).

Documentary proof of citizenship laws create problems and solve none. In reality, they impose significant new burdens on voters, election officials, and civic engagement organizations, making it harder for all eligible voters to register and cast their ballots.

IMPACT ON VOTERS

Many voters will find it extremely burdensome or even impossible to comply with DPOC requirements.

For DPOC bills that explicitly state that a voter must prove their citizenship with a U.S. passport, birth certificate, or naturalization papers:

- [Only about half of all U.S. citizens have a passport](#). A passport costs \$165 to obtain (and \$130 to renew), and an application can take weeks to process. This option is costly and time consuming, even for those with financial means.
- Birth certificates or naturalization papers are, for most Americans, difficult to access and expensive to replace.

- o Some DPOC bills, [such as a bill introduced in Washington](#), also specify that a birth certificate must have the “full name” of the applicant. It is unclear whether or how a person who has changed their name since their birth — for instance, because of marriage or adoption — would be able to meet this requirement.
- Bills that limit documentary proof of citizenship to these documents, [such as a bill introduced in New Hampshire](#), may exclude American citizens born abroad (including on U.S. military bases) or outside of hospitals from being able to register to vote.

For DPOC bills that allow a voter to show additional types of documentary proof of citizenship — like a consular report of a birth abroad of a U.S. citizen or a government-issued photo ID that indicates a person was born in the U.S.:

- Aside from passports, most government-issued photo IDs do not indicate citizenship.
 - o Almost no Americans would be able to register to vote under these bills using a driver’s license alone, because even licenses that meet Real ID requirements do not indicate citizenship. (Only Enhanced Drivers Licenses indicate citizenship, and these are only available in five states.)
 - o Most Tribal citizens would also be unable to register to vote using their Tribal ID alone. A Tribal ID would need to show the holder’s place of birth as the United States, which most do not. Additionally, any Tribal member born outside of the U.S. — for instance on a military base — could not use their Tribal ID to register.
 - o Members of the U.S. military could not use their military ID to register to vote unless it is accompanied by their military service record — which is very burdensome to obtain — and only if that record shows they were born in the U.S. Members of the U.S. military born overseas, including while their parents were serving abroad, would not be able to use this type of ID.
- Much like birth certificates and naturalization papers, documents such as a consular report of a birth abroad of a U.S. citizen or adoption decree indicating an applicant was born in the U.S are difficult to access and expensive to replace should they be lost or destroyed.

For DPOC bills that don’t specify what can be used to prove citizenship at all:

- A lack of guidance as to what documents will be to prove citizenship can be confusing for voters and extremely challenging for election officials to implement.
- This would also bestow election officials with an extraordinary amount of discretion over what documents would qualify as documentary proof of citizenship, resulting in a potential lack of uniformity in implementation across a state. Additionally, a system of this nature could be abused by election officials acting in bad faith.

DPOC requirements will replicate proven failures, denying eligible voters access to the ballot.

- DPOC laws in Arizona and Kansas have disenfranchised broad swaths of eligible voters.
- In Arizona, about 35,000 voters have attested under penalty of perjury to U.S. citizenship but are barred from voting in state elections due to that state’s documentary proof of citizenship requirement. These voters are more likely to live on Tribal lands or college

campuses. Arizona's system for tracking which voters have already provided DPOC is also riddled with errors. Nearly 100,000 voters almost lost their right to vote in state and local elections in 2024 because of a documentary proof of citizenship database error. State officials later discovered that over 200,000 voters were affected. Fortunately, those eligible voters, many of whom have been registered and voting in Arizona for decades, were able to cast full ballots in 2024 thanks to an order from the Arizona Supreme Court.

- In Kansas, a similar law that was in effect between 2013 and 2016 blocked the voter registrations of more than 31,000 U.S. citizens who were otherwise eligible to vote. This is the equivalent of 12% of those seeking to register in Kansas during that period. The impact was felt most keenly by young and independent voters.

DPOC requirements could potentially eliminate or upend mail and online registration.

- If a state requires voters to present documentary proof of citizenship in person, legislation could essentially eliminate the options to register by mail and online.
- Even if a state does not require voters to present documentary proof of citizenship in person, a DPOC requirement would still require the state to overhaul its mail and online registration systems to allow for the submission, retention, and validation of scanned or copied proof of citizenship documents. This would be costly and challenging to election officials, particularly in small jurisdictions with limited funding.
- A change of this nature would impact a huge number of U.S. citizens. The most recent data from the US Election Assistance Commission shows that more than 9.1% of all Americans who registered to vote during the 2022 election cycle did so by mail (more than 7 million voters), and 14% did so online (almost 11 million voters).

Some DPOC laws could subject voters to harmful purges.

- Several proposed DPOC bills go further than just requiring registrants to prove citizenship — they also demand that election administrators remove from the rolls already-registered voters who fail to demonstrate their status as U.S. citizens or do not respond to requests from election officials to do so.
- In practice, states' efforts to target and remove suspected non-U.S. citizens from voter rolls often prevent qualified U.S. citizens from voting. This occurs because the databases maintained by departments of motor vehicles and other similar governmental agencies are not designed to track the *current* citizenship status of their customers. There is no process by which they are automatically updated when someone naturalizes. For instance, if an individual applies for a driver's license as a non-U.S. citizen but then later becomes a citizen, the state DMV will misidentify that person as a non-U.S. citizen unless the individual updates their citizenship status with that agency during a subsequent transaction.
- These purges can result in unlawful national origin discrimination, because naturalized U.S. citizens (who, by definition, come from other countries outside the U.S.) are more likely to be identified in these unnecessary citizenship verification programs.

- When [Texas used this approach in 2019](#), its flawed citizenship review program wrongfully flagged tens of thousands of Texas voters for removal and threatened them with civil and criminal penalties when they had not broken any law. The state later agreed to end its database matching process and pay plaintiffs \$450,000 in legal fees after litigation was brought by impacted individuals. Nearly identical failures have taken place in [Florida](#) and [Alabama](#).

According to the [Institute for Responsive Government](#), the voters most likely to be disenfranchised by DPOC laws are married women, the elderly, Hispanic/Latino citizens and low-income applicants.

- **Married Women.** Around 80% of American women change their name upon marriage. As a result, roughly 33% of all married women would be unable to use their birth certificate to prove their citizenship if DPOC laws require citizenship documents to reflect a registrant’s current legal name. As they make up over a quarter of the electorate, impediments to voter registration for married women could have a significant impact on election outcomes.
- **Elderly registrants.** In 2020, 14% of survey respondents 80 years of age and older reported that they lack access to documents proving citizenship. In 2022, older voters (defined as age 65+) were 28% of the electorate.
- **Young voters.** In the same study, 24% of 18–29-year-olds reported that they lacked documentation. State-level data matched that finding. Young Texans aged 18–29 are three times more likely to have trouble accessing their documentary proof of citizenship than older Texans (13% vs. 5%). Georgians aged 18-29 are twice as likely to lack access to documents than those 30 or older (16% vs 8%).
- **Hispanic voters:** In recent case studies in Texas and Georgia, Black and White voters had nearly identical rates of DPOC access (10% in Georgia and 5% in Texas), but Hispanic voters were less likely to have accessible DPOC (16% of Hispanic Georgians and 8% of Hispanic Texans).
- **Lower-income voters.** In Texas and Georgia, voters making less than \$50,000 per year are more than three times as likely to not possess identity documents than their higher-income peers. Voters making less than \$30,000 per year are four times as likely not to possess the required documents.

IMPACT ON ELECTION ADMINISTRATORS

State election officials will face severe administrative hurdles.

- DPOC laws create an unnecessary paperwork requirement that will needlessly complicate the systems state and local officials use to administer and run elections.
- Arizona’s implementation of its DPOC requirement has resulted in numerous administrative challenges for state election officials and has cost state taxpayers decades-worth of litigation expenses.
 - After Arizona’s efforts to require DPOC for voters in federal elections were found to be unlawful under the federal National Voter Registration Act, Arizona was

forced to create a bifurcated election system where election administrators must print two sets of ballots and maintain two lists of voters, separating those who are eligible to vote in federal elections (“federal only voters”) and those who have provided documentary proof of citizenship to vote in state and local elections (“full ballot voters”). This has led to endless confusion and has forced election officials to devote substantial resources to overcome these administrative hurdles.

State election officials will have to overhaul their election systems.

- In addition to potentially being forced to create a bifurcated election system, election officials may also need to develop procedures for evaluating citizenship documents, implement data privacy protections for digital copies of these documents, re-train election officials and poll workers, and, if their state’s DPOC law mandates it, devote additional staff time to ongoing voter roll purges.
- If a state’s DPOC law doesn’t require the documents to be presented in person, state election officials will need to overhaul their online and mail registration systems to be able to accept and allow for review of copies and scans of citizenship documents.
- These changes will be very costly and time-consuming for election officials, who are already overworked and underfunded. Many election offices simply do not have the funding for a major overhaul of this nature and would need massive grants and appropriations by the state government in order to comply with a new DPOC law.

IMPACT ON CIVIC ENGAGEMENT ORGANIZATIONS

DPOC laws could make it much more difficult for civic engagement organizations to hold successful voter registration drives.

- DPOC laws kneecap the voter registration efforts of civic engagement organizations by requiring voters to have documents proving their citizenship on them at the time of registration and access to the technology needed to scan and/or copy the registrant’s citizenship documents. Most voter registration drives happen in public spaces where prospective registrants are unlikely to be carrying their passports or birth certificates.
- Testimony in Arizona’s most recent documentary proof of citizenship lawsuit established that civic engagement groups were unable to register many eligible voters because of similar hurdles.