

The Save Act: How a Proof of Citizenship Requirement Would Impact Elections

The SAVE Act (H.R. 22)¹ would require every American to provide documentary proof of citizenship while registering to vote. Although citizenship has long been a requirement to participate in federal elections, most voter registrants prove citizenship by attesting to it during the voter registration process — under penalty of perjury. The SAVE Act's additional documentation requirement has the potential to dramatically reshape the American electorate.

The SAVE Act also places additional burdens on state and local election officials. Under the SAVE Act, state officials risk criminal penalties if they accept or process voter registration applications for federal elections without the required proof of citizenship — even if it was just an administrative mixup, and even if the prospective voter was indeed a citizen. State election officials must also use federal and state databases to retroactively audit existing voter rolls, removing any registered voters who have been flagged as non-citizens. Lastly, the bill would permit private citizens to sue election officials who they believe aren't sufficiently complying with the law — encouraging the kind of distrust and vigilante-ism that has bogged down election officials for the past several years.

WHAT ARE THE PROBLEMS WITH THE POLICY?

The main problem with the SAVE Act is that the type of documents used to prove citizenship aren't documents that many people carry around on a daily basis. Not everyone has them, and even those that do may not have easy access to them. It's unquestionably important that only eligible voters cast ballots in our elections — but it's equally important that eligible voters aren't hindered from voting because of needless paperwork.

Examples from states are illuminating. Kansas briefly experimented with a SAVE-like documentary proof of citizenship requirement, and it was an expensive disaster. The law blocked over 30,000 potential registrants in just two years — approximately 12% of all voter registrations during the period — and Kansas officials conceded in court that over 99% of affected voters were U.S. citizens.² Arizona's citizenship requirement uses a more voter-friendly database verification model than the SAVE Act, yet it still currently blocks nearly 250,000 Arizonans from participating in federal elections.³

Moreover, a citizenship documentation requirement would meaningfully complicate election administration. The logistics are complex. States must be fully equipped and resourced to implement the law in a way that maximizes security, data privacy, government efficiency, and voter access.

¹ As of the time of writing, the 2025 bill text has not yet been posted to congress.gov. The bill's sponsor included a copy of the bill in his press release, however, and it appears to be identical to the earlier 2024 version of the bill.

² *Fish v. Schwab*, 957 F.3d 1105, 1128 (10th Cir. 2020).

³ Arizona has required proof of citizenship since 2004, but very few Arizonans actually provide a physical citizenship document to register to vote. Arizona's law relies more heavily on database checks, yet it's still the case that as many as 258,000 voters—a full 6.3% of the electorate—are blocked from state elections because they have not yet provided proof of citizenship. There is no evidence that any meaningful percentage of these voters are not U.S. citizens, and most have been registered voters for decades. The law has been the subject of expensive litigation, implementation errors, and data glitches.

Rules matter, but enforcement must be proportional and practical. When violations are rare — like with the citizenship requirement — targeted efforts to catch and deter offenders are far more effective. Burdening every registrant with unnecessary red tape deters eligible voters while doing little to address an issue that's vanishingly rare. It's the policy equivalent of sifting the entire ocean to find a single type of seashell.

WHO LACKS ACCESS TO CITIZENSHIP DOCUMENTS?

The SAVE Act could dramatically alter the electorate. The issue is two-fold: first, many otherwise eligible voters lack easy access to documents proving citizenship. Recent case studies in [Georgia](#) and [Texas](#) confirmed that 7% of Texans and 10% of Georgians who are U.S. citizens and of voting age would have difficulty showing documentation proving their citizenship.⁴ Second, even those who do have documents could be deterred by the introduction of an additional bureaucratic task of gathering and presenting them in person.

Married women, the elderly, young individuals, Hispanic citizens, and low-income registrants will have the most trouble registering to vote under the SAVE Act.

- **Married Women.** Around 80% of American women change their name upon marriage. As a result, roughly 33% of all married women lack documents that meet citizenship requirements and reflect their current legal name.^{5,6} Married women make up over a quarter of the electorate, so impeding them from registering to vote has a potentially significant impact on election outcomes.
- **Elderly registrants.** In 2020, 14.10% of survey respondents 80 years old and older reported that they lack access to documents proving citizenship.⁷ In 2022, older voters (defined as age 65+) were 28% of the electorate.
- **Young voters.** In the same study, 24.34% of 18-29 year olds reported that they lacked documentation.⁸ 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 less likely to possess identity documents than their higher-income peers. Voters making less than \$30,000 per year are even less likely to have required documents.

⁴ See <https://responsivegov.org/research/who-has-proof-of-citizenship/>, summarizing recent research from The [University of Maryland's Center for Democracy and Civic Engagement](#)

⁵ <https://www.brennancenter.org/our-work/research-reports/citizens-without-proof>

⁶ The share of married women without these documents is likely higher due to social pressure on respondents to say they have these documents. See *Response Effects in Surveys*, Sudman and Bradburn, 1974 for more discussion on socially desirable answers in polling. https://link.springer.com/chapter/10.1007/978-1-4612-4798-2_6

⁷ The 2020 American National Election Study (ANES)

⁸ Per previous footnote, these responses are likely a floor estimate due to voters saying they have a license when they don't due to social pressure or an incorrect belief that they have a correct ID when they do not.

WHAT SHOULD CONGRESS DO INSTEAD?

Instead of imposing additional documentation requirements, Congress should consider two alternate methods for ensuring clean and accurate voter rolls. First, they can consider more thoughtful proposals that take advantage of existing technologies and databases to securely verify citizenship without requiring action from the voter. Second, they can provide adequate resources to state election officials so that they can better comply with existing list maintenance requirements.

Pro-Voter Approaches for Citizenship Confirmation. The SAVE Act places the burden on the voter registrant to affirmatively provide physical documents. A significantly less disruptive law would place the responsibility for confirming citizenship on state and federal governments — not the individual. Electronic verification with existing federal and state databases would provide a secure, efficient way to confirm eligibility while streamlining the verification process for voters and election officials alike. This proposal would expand access to federal databases and should contain protections for data privacy, a robust notice and cure process, and a streamlined way to submit additional documentation should database checks be inconclusive.

Maintaining Clean Voter Rolls Costs Money. The best way to ensure the cleanliness and accuracy of our voter rolls, and the security of our elections more broadly, is to make sure that state and local election officials have appropriate funding and resources to comply with existing state and federal list maintenance laws.

The best way to ensure clean and accurate voter rolls is by fully funding federal election grants established by the Help America Vote Act (HAVA).⁹ These grants have historically enjoyed bipartisan support, and are the only federal support state election officials receive to improve their voter registration systems, strengthen list maintenance processes, and ensure compliance with federal mandates. Further, full funding would allow election officials to tackle decade-long maintenance backlogs and update equipment that leaves us vulnerable to cyberattacks from adversary nation states like China and Iran.

American election infrastructure is chronically underfunded,¹⁰ and the SAVE Act makes things even worse. County and state governments are already unable to keep pace with the rapidly escalating technology, cybersecurity, and staffing costs of running modern elections. The SAVE Act is an additional crushing unfunded mandate. Under the Act, state officials must devise complicated new policies, implement new technologies and procedures, retrain election officials and poll workers, buy new equipment, protect sensitive data, and re-register thousands of confused eligible voters. With no funding mechanism, the SAVE Act foists these costs directly on local American communities.

⁹ https://www.eac.gov/about/help_america_vote_act.aspx

¹⁰ See

<https://static1.squarespace.com/static/6083502fc0f6531f14d6e929/t/61f836e405feca3722d63b9d/1643656990641/50-States-Of-Need.pdf>. Recognizing the importance and vulnerability of our nation's election systems, the Department of Homeland Security (DHS) officially designated election infrastructure as critical infrastructure in 2017. Unfortunately, Congress' funding in recent decades hasn't matched DHS' urgency. During the first Trump Administration, Congress appropriated \$805 million in election security grants, with another \$400 million distributed to election officials through the CARES Act in 2020. Those grants helped election officials begin addressing years of delayed upgrades, make improvements to cybersecurity protections, and adapt to voting changes during the peak of the COVID pandemic. But as the threats and costs continued to increase, federal support slowed, and in some years stopped altogether. During the Biden Administration, election security grants totaled just \$205 million nationwide.

Federal funding of elections has historically enjoyed bipartisan congressional support. Currently, the Senate appropriations bill contains \$75 million in election security grants for Fiscal Year 2025, a necessary if still insufficient investment in the integrity of our election processes. The House bill, however, contains no election funding. Congress must follow the Senate's lead, enact the \$75 million for this year and commit to appropriating \$400 million in FY2026 to actually begin meeting the dire need for election funding at the state and local levels.¹¹