No. 25-1017

IN THE

Supreme Court of the United States

REPUBLICAN NATIONAL COMMITTEE,

Petitioner,

—v.—

MI FAMILIA VOTA, ET AL.,

Respondents.

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

BRIEF OF AMICI CURIAE AMERICAN CIVIL LIBERTIES UNION, AMERICAN CIVIL LIBERTIES UNION OF ALABAMA, AMERICAN CIVIL LIBERTIES UNION OF ARIZONA, AMERICAN CIVIL LIBERTIES UNION OF FLORIDA, AMERICAN CIVIL LIBERTIES UNION OF IOWA, AMERICAN CIVIL LIBERTIES UNION OF TEXAS, AND AMERICAN CIVIL LIBERTIES UNION OF VIRGINIA IN SUPPORT OF RESPONDENTS

Sophia Lin Lakin
Juan M. Ruiz Toro
Ethan Herenstein
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004

Cecillia D. Wang
Evelyn R. Danforth-Scott
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
425 California Street, Suite 700
San Francisco, CA 94104

Sarah Brannon
Counsel of Record
Kelli Slater
Patricia J. Yan
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
915 15th Street NW
Washington, DC 20005
(202) 457-0800
sbrannon@aclu.org

Tara R. DeGeorge
Ahmed Soussi
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF ARIZONA
2712 North 7th Street
Phoenix, AZ 85006

Counsel for Amici Continued on Next Page

Ashley Alcantara Harris
Thomas Buser-Clancy
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF TEXAS, INC.
1018 Preston Street
Houston, TX 77002

Rita Bettis Austen
Thomas Story
Shefali Aurora
West Connors
AMERICAN CIVIL LIBERTIES UNION OF IOWA FOUNDATION, INC.
505 Fifth Avenue, Suite 808
Des Moines, IA 50309

Eden Heilman
Vishal Agraharkar
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF VIRGINIA
P.O. Box 26464
Richmond, VA 23261

Alison Nicole Mollman
Paul Hartmann Rand
AMERICAN CIVIL LIBERTIES UNION OF ALABAMA
P.O. Box 6179
Montgomery, AL 36106-0179

Daniel Tilley
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF FLORIDA
4343 W. Flagler St., Suite 400
Miami, FL 33134

Counsel for Amici American Civil Liberties Union, American Civil Liberties Union of Alabama, American Civil Liberties Union of Arizona, American Civil Liberties Union of Florida, American Civil Liberties Union of Iowa, American Civil Liberties Union of Texas, and American Civil Liberties Union of Virginia

TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

INTEREST OF AMICI 1

INTRODUCTION AND SUMMARY OF ARGUMENT 2

ARGUMENT 5

I. THE QUIET PERIOD PROVISION EMBODIES CONGRESS'S DELIBERATE APPROACH TO BOTH ENSURING ELECTION INTEGRITY AND PROTECTING VOTERS AGAINST DISFRANCHISEMENT. 5

II. EMPIRICAL EVIDENCE PROVES THAT SYSTEMATIC VOTER LIST MAINTENANCE PROGRAMS ARE ERROR-PRONE 11

A. Alabama 12

B. Virginia 15

C. Texas 18

D. Iowa 23

E. Arizona 24

III. IT IS EXCEEDINGLY RARE FOR NONCITIZENS TO BE ON VOTER ROLLS. 25

CONCLUSION 28

TABLE OF AUTHORITIES

Cases **Page(s)**

Ali v. Fed. Bureau of Prisons,
552 U.S. 214 (2008) 5

Allen v. Milligan,
599 U.S. 1 (2023) 1

Arcia v. Fla. Sec'y of State,
772 F.3d 1335 (11th Cir. 2014) 8, 9, 10, 12

Citizens United v. Fed. Election Comm'n,
558 U.S. 310 (2010) 1

Dep't of Com. v. New York,
588 U.S. 752 (2019) 1

Drouillard v. Roberts,
No. 24-cv-6969, 2024 WL 4667163
(N.D. Cal. Nov. 4, 2024) 10

Esteras v. United States,
606 U.S. 185 (2025) 7

Fair Fight Inc. v. True the Vote,
710 F. Supp. 3d 1237 (N.D. Ga. 2024) 10

Keene Corp. v. United States,
508 U.S. 200 (1993) 7

League of Women Voters v. U.S. Dep't of Homeland Sec.,
835 F. Supp. 3d 79 (D.D.C. 2026) 20

Majority Forward v. Ben Hill Cnty. Bd. of Elections,
512 F. Supp. 3d 1354 (M.D. Ga. 2021) 10

Purcell v. Gonzalez,
549 U.S. 1 (2006) 10

Cases **Page(s)**

Republican Nat'l Comm. v. N.C. State. Bd. of Elections,
120 F.4th 390 (4th Cir. 2024) 10

Reynolds v. Sims,
377 U.S. 533 (1964) 1

Selcuk v. Pate,
No. 24-cv-390, 2024 WL 5054961
(S.D. Iowa Nov. 3, 2024)..... 23, 24

Smith v. Allwright,
321 U.S. 649 (1944) 1

Thornburg v. Gingles,
478 U.S. 30 (1986) 1

U.S. Dep't of Homeland Sec. v. League of Women Voters,
No. 26A308, 2026 WL 2879700
(Sup. Ct. Sep. 25, 2026)..... 20, 21

United States v. Gonzales,
520 U.S. 1 (1997) 5

United States v. Johnson,
529 U.S. 53 (2000) 6, 7

Va. Coal. for Immigr. Rts. v. Beals,
No. 24-2071, 2024 WL 4601052
(4th Cir. Oct. 27, 2024)..... 10

Va. Uranium, Inc. v. Warren,
587 U.S. 761 (2019) 7

Williams v. Rhodes,
393 U.S. 23 (1968) 27

Statutes **Page(s)**

52 U.S.C. § 20501(a)(1) 9
52 U.S.C. § 20501(b)(1) 9
52 U.S.C. § 20507(a)(3)(A) 4
52 U.S.C. § 20507(a)(3)(B) 4
52 U.S.C. § 20507(a)(4)(A) 4
52 U.S.C. § 20507(c)(2) 2, 5, 7
52 U.S.C. § 20507(c)(2)(A) 2, 5, 9
52 U.S.C. § 20507(c)(2)(B)(i) 4, 6, 9
52 U.S.C. § 20507(d)(1)(B)(ii) 9

Other Authorities **Page(s)**

3d Am. Compl.,
Tex. League of United Latin Am. Citizens v. Whitley,
No. 19-cv-74 (W.D. Tex. Mar. 6, 2019),
Dkt. No. 97..... 18, 19

Br. of Amici Curiae of Travis County,
U.S. Dep't of Homeland Sec. v. League of Women Voters,
No. 26A308 (Sup. Ct. Sep. 15, 2026)..... 21, 22

Claims of Noncitizen Registration or Voting: Analysis and Tracker,
Ctr. for Election Innovation & Rsch. (Sep. 2026) 26

Compl.,
United States v. Alabama, No. 24-cv-1329
(N.D. Ala. Sep. 27, 2024), Dkt. No. 1..... 13

Other Authorities **Page(s)**

Compl.,
Va. Coal. for Immigr. Rts. v. Beals,
No. 24-cv-1778 (E.D. Va. Oct. 7, 2024),
Dkt. No. 1..... 15

Contreras, Natalia,
State finds some registered Texas voters were wrongly flagged as potential noncitizens,
Houston Pub. Media, (Jul. 31, 2026) 22

Corasaniti, Nick,
From 16,000 to 185 to Zero: Trump's Claims of Illegal Voting in Nevada Fizzle,
N.Y. Times (Sep. 24, 2026)..... 26

Ex. 9: Jimenez Decl.,
United States v. Alabama, No. 24-cv-1329
(N.D. Ala. Oct. 2, 2024), Dkt. No. 12-10 14

Ex. 11: Berg Decl.,
United States v. Alabama, No. 24-cv-1329
(N.D. Ala. Oct. 2, 2024), Dkt. No. 12-12 14

Fessler, Pam,
Some Noncitizens Do Wind Up Registered to Vote, But Usually Not on Purpose, Nat'l Pub. Radio, (Feb. 26, 2019) 26

Fifield, Jen & Zach Despart,
A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas,
Tex. Trib. (Feb. 13, 2026)..... 20, 21, 22, 23, 25

Hupka, Sasha,
Maricopa County investigated 60 suspected noncitizen voters. 52 are citizens, 8 are not.,
Votebeat Ariz. (Sep. 28, 2026) 24, 25

Other Authorities **Page(s)**

Maricopa Cnty. Att'y's Off.,
Statement from MCAO on Referrals from the Maricopa County Recorder's Office (Mar. 23, 2026) 24

McDonald Decl.,
Va. Coal. for Immigr. Rts. v. Beals, No. 24-cv-1778 (E.D. Va. Oct. 15, 2024), Dkt. No. 26-2 16

Opsahl, Robin,
Iowa Secretary of State says 87 noncitizens voted in elections, Iowa Cap. Dispatch (Oct. 22, 2024) 23

Orey, Wren et al.,
Four Things to Know About Noncitizen Voting, Bipartisan Pol'y Ctr. (Jul. 22, 2026) 26

Prelim. Inj. Hr'g Tr.,
United States v. Alabama, No. 24-cv-1329 (N.D. Ala. Oct. 16, 2024), Dkt. No. 57 ..... 14, 15

Richer, Stephen,
Another Data Point Against the Theory That Noncitizens Are Voting En Masse, Cato Inst., (May 14, 2026) 25

Schneider, Gregory S. & Laura Vozzella,
Youngkin stokes fears of vast noncitizen voting in Virginia. Records don't show it., Wash. Post (Oct. 9, 2024) 16

Singh, Jasleen,
Watch Out for False Voter Fraud Claims Fueled by SAVE Program, Brennan Ctr. for Just. (June 12, 2026) 11

Other Authorities **Page(s)**

Singh, Jasleen & Spencer Reynolds,
Homeland Security's "SAVE" Program Exacerbates Risks to Voters, Brennan Ctr. for Just. (Jul. 21, 2025) 12

Suppl. Decl. of Anna J. Dorman,
Va. Coal. for Immigr. Rts. v. Beals,
No. 24-cv-1778 (E.D. Va. Oct. 24, 2024),
Dkt. No. 108-2 17

Suppl. Decl. of Gigi Traore,
Va. Coal. for Immigr. Rts. v. Beals,
No. 24-cv-1778 (E.D. Va. Oct. 24, 2024),
Dkt. No. 108 16

Suppl. Decl. of Michael Ross,
Selcuk v. Pate, No. 24-cv-390
(S.D. Iowa Nov. 2, 2024), Dkt. No. 31-1 23

United States' Mot. for Prelim. Inj.,
United States v. Alabama, No. 24-cv-1329
(N.D. Ala. Oct. 2, 2024), Dkt. No. 12 ..... 13, 14, 15

Webster's Third New Int'l Dictionary (1976) 5

INTEREST OF AMICI[1]

The **American Civil Liberties Union ("ACLU")** is a nationwide, nonprofit organization that, since 1920, has sought to protect the civil liberties of all Americans, with 54 affiliates across the United States. Established in 1965, the ACLU's Voting Rights Project ("VRP") has worked to protect the gains in political participation for all citizens. Since its inception, VRP has litigated hundreds of voting rights cases, including cases concerning the potential disenfranchisement of eligible voters through states' list maintenance programs in violation of the National Voter Registration Act of 1993 ("NVRA"). The ACLU has also appeared before this Court as counsel or amicus curiae in numerous cases involving electoral democracy, including *Smith v. Allwright*, 321 U.S. 649 (1944), *Reynolds v. Sims*, 377 U.S. 533 (1964), *Thornburg v. Gingles*, 478 U.S. 30 (1986), *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), *Department of Commerce v. New York*, 588 U.S. 752 (2019), and *Allen v. Milligan*, 599 U.S. 1 (2023).

The **American Civil Liberties Unions of Alabama ("ACLU-AL")**, **Arizona ("ACLU-AZ")**, **Florida ("ACLU-FL")**, **Iowa ("ACLU-IA")**, **Texas ("ACLU-TX")**, and **Virginia ("ACLU-VA")** are state

---

[1] Pursuant to Supreme Court Rule 37.6, counsel for amici certify that no party's counsel authored this brief in whole or in part; no party or party's counsel contributed money that as intended to fund the preparation or submission of the brief; and no person other than amici, their members, or their counsel contributed money intended to fund the preparation or submission of the brief.

affiliates of the national ACLU. ACLU-AZ is a statewide, nonprofit, nonpartisan organization with over 20,000 members throughout Arizona who are dedicated to protecting the fundamental liberties guaranteed by the Constitution, including the right to vote. ACLU-AZ has a strong interest in protecting the ability of its members to vote and register to vote and ensuring that Arizonans can fully engage in the democratic process. ACLU-AL, ACLU-FL, ACLU-IA, ACLU-TX, and ACLU-VA are also statewide, nonprofit, nonpartisan organizations. They are likewise dedicated to protecting the fundamental liberties guaranteed by the Constitution, including the right to vote, and have all witnessed the impacts of error-prone voter removal programs in their states. The ACLU and its affiliates listed herein frequently file amicus curiae briefs on a wide range of civil liberties and civil rights issues.

INTRODUCTION AND SUMMARY OF ARGUMENT

The National Voter Registration Act ("NVRA") serves and balances two important goals recognized by Congress: increasing the number of eligible citizens who are registered and who vote in federal elections and keeping voter registration rolls accurate and current. Section 8(c)(2) of the NVRA, 52 U.S.C. § 20507(c)(2), effectuates these goals by allowing states to use systematic list maintenance programs to keep voter rolls up to date and accurate, but requiring states to complete those programs "not later than 90 days prior to" a federal election. 52 U.S.C. § 20507(c)(2)(A). That ninety-day window is known as the "Quiet Period."

In enacting this statute, Congress determined that permitting states to engage in systematic voter roll maintenance during the ninety-day Quiet Period would carry an unacceptable risk of disenfranchising eligible voters. First, Congress understood that when states run systematic programs to remove ineligible voters from their voter rolls, they run a significant risk of removing eligible voters as well. Second, an eligible voter who is removed during the Quiet Period is likely to experience significant difficulty in correcting the error in time to cast a ballot. Third, Congress also recognized that systematic voter roll maintenance programs operate on large numbers of people at once; as a result, the difficulty in correcting systematic errors is compounded as a potentially larger number of voters who have been mistakenly removed from the rolls seek to correct those errors during the voting period. In light of these problems, Congress struck a careful balance, allowing systematic removal programs most of the time and prohibiting them only in the immediate lead-up to an election, when the risk of disenfranchising eligible voters is greatest. The Quiet Period also protects against the inevitable confusion to voters that would result if states systematically removed voters during the Quiet Period, particularly when absentee and early voting are already underway.

The issue here is not whether states may remove noncitizens from their voter rolls; everyone agrees they may do that. Rather, the issue is whether eligible citizens will bear the cost of a state's mistakes when there is too little time left to correct them. Congress decided they should not.

Petitioner Republican National Committee ("RNC") urges this Court to recognize an exception to the Quiet Period that would allow systematic programs directed at noncitizens to run within the ninety-day period. As discussed in Part I below, that argument contradicts both the statute's plain text and its purpose. Section 8(c)(2)(A) reaches "any program" whose purpose is to systematically remove ineligible voters. It exempts only removals at the request of the registrant, because of a criminal conviction or mental incapacity, or because the registrant has died. 52 U.S.C. § 20507(c)(2)(B)(i) (citing §§ 20507(a)(3)(A), (a)(3)(B), & (a)(4)(A)). Those exceptions are exclusive. The RNC attempts to graft onto the Quiet Period an exception that Congress did not create.

Moreover, as amici explain in Part II below, experience shows that the mistakes Congress anticipated are real, and that systematic programs aimed at noncitizens are especially prone to such mistakes because they rely on motor-vehicle, labor, and federal records that are often outdated, incomplete, or inaccurate. In Part III, amici set out research demonstrating that it is exceedingly rare for noncitizens to be on voter rolls, and even rarer for them to actually vote.

Section 8(c)(2) is clear on its face: Congress forbids the kind of systematic voter roll maintenance the RNC and the United States support here. But even if their policy arguments were relevant to the statutory interpretation question here (and they are not), the empirical data supports the balance Congress actually struck: It protects eligible voters from erroneous removal on the eve of a federal election, while addressing the very small risk of noncitizen voting, by

permitting states to conduct systematic programs at any time other than during the Quiet Period and to remove individuals from the rolls based on individualized information at any time, including during the Quiet Period. The RNC, the United States, and some of the RNC's amici clearly disagree with Congress's judgment. But their policy arguments are better directed at Congress itself, which spoke clearly through the plain text of Section 8(c)(2).

ARGUMENT

I. THE QUIET PERIOD PROVISION EMBODIES CONGRESS'S DELIBERATE APPROACH TO BOTH ENSURING ELECTION INTEGRITY AND PROTECTING VOTERS AGAINST DISFRANCHISEMENT.

The text of the NVRA's Quiet Period provision plainly requires that states "complete, not later than 90 days prior to" a federal election, "any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters." 52 U.S.C. § 20507(c)(2)(A). The statutory language is straightforward. The "word 'any' has an expansive meaning" that means "one or some indiscriminately of whatever kind." *United States v. Gonzales*, 520 U.S. 1, 5 (1997); *Ali v. Fed. Bureau of Prisons*, 552 U.S. 214, 219 (2008) (quoting Webster's Third New Int'l Dictionary 97 (1976)). Applying that ordinary meaning to the Quiet Period provision, "any program" captures *all* programs that seek to "systematically remove the names of ineligible voters." 52 U.S.C. § 20507(c)(2)(A). "Any program" clearly encompasses a systematic program seeking to remove noncitizens from the rolls.

Congress's enumeration of exceptions to the Quiet Period rule further underscores that states cannot create others. Congress specified certain exceptions to the Quiet Period provision, but none applies here. Congress expressly provided that the Quiet Period statute "shall not be construed to preclude . . . the removal of names from official lists of voters" for certain categories—namely, at the request of the voter registrant herself, due to criminal conviction or mental incapacity, or due to death." 52 U.S.C. § 20507(c)(2)(B)(i).[2] That Congress "considered the issue of exceptions and, in the end, limited the statute to the ones set forth," *United States v. Johnson*, 529 U.S. 53, 58 (2000), confirms the Quiet Period provision does not admit any other, unenumerated exceptions.

---

[2] 52 U.S.C. § 20507(c)(2)(B)(ii) contains a second caveat: that the Quiet Period provision "shall not be construed to preclude" the "correction of registration records pursuant to this chapter." Neither the RNC nor the Respondents in support of the RNC rely on this provision, and for good reason. Section 20507(c)(2)(B)(ii) refers to other provisions in chapter 205 of Title 52 of the U.S. Code (chapter 8 of the NVRA), in which Congress set out very detailed requirements for list maintenance based on change of residence, including the specific circumstances in which states or registrants can "correct" their registration records. *E.g.*, 52 U.S.C. §§ 20507(c)(1)(B)(i), (d)(1)(B)(ii), (d)(3), (e)(2)(A)(i), (e)(2)(A)(ii)(I), (e)(2)(A)(ii)(II), (f). Thus, the Quiet Period provision's specific reference to "correction of registration records pursuant to this chapter" merely makes clear that there is no bar on such "corrections" of voter registration information during the Quiet Period. *See* 52 U.S.C. § 20507(c)(2)(B)(ii). Moreover, on its plain terms and consistent with these other provisions of the NVRA, a "correction" under 52 U.S.C. § 20507(c)(1)(B)(ii) only results in a change or update to an existing voter registration record, and not removal from the voter rolls. *Compare, e.g.*, 52 U.S.C. § 20507(c)(2)(B)(i) ("removal") *with* 52 U.S.C. § 20507(c)(2)(B)(ii) ("correction").

"When Congress provides exceptions in a statute, it does not follow that courts have authority to create others." *Id.*; *see also Keene Corp. v. United States*, 508 U.S. 200, 208 (1993) (courts have a "duty to refrain from reading a phrase into [a] statute when Congress has left it out"); *Va. Uranium, Inc. v. Warren*, 587 U.S. 761, 765 (2019) ("it is our duty to respect not only what Congress wrote, but, as importantly, what it didn't write"). "[E]xpressing" those exceptions, as Congress did, "excludes [others] left unmentioned," *Esteras v. United States*, 606 U.S. 185, 195 (2025) (citation modified)—including the noncitizen list maintenance exception the RNC seeks here.

Nor is there any other basis to read the statutory text as excepting systematic programs aimed at removing people who are ineligible based on lack of U.S. citizenship. The RNC contends that Section 8(c)(2) bars only programs that seek to remove voters who were eligible at the time of registration but became ineligible at some later point. RNC Pet'r's Br. 41–42. And, it says, noncitizens are not "ineligible voters" because they were never eligible to vote. *Id.* But the statute does not distinguish between these situations, and no court has ever agreed with that interpretation. A person may already have a disqualifying criminal conviction when she registers, and so be ineligible from the start, or she may be eligible when she registers to vote but become ineligible when later convicted of a crime. Either way, her removal falls within Congress's exception for criminal convictions. Congress simply did not draw a line based on whether a voter was ineligible from the start or became ineligible later. The most natural reading—one adopted by every court to have

considered this issue, *see, e.g.*, *Arcia v. Fla. Sec'y of State*, 772 F.3d 1335 (11th Cir. 2014)—is that "ineligible voters" refers simply to anyone on the voter rolls who is ineligible to vote at the time of removal, regardless of whether they were eligible at some point or not, and that "any program" refers to any systematic list maintenance program not covered by the exceptions.

The RNC also suggests the correct reading of the statute would undermine states' ability to maintain election integrity, RNC Pet'r's Br. 50, but that argument ignores that Congress permits states to conduct systematic list maintenance programs *most of the time*. It bars such programs only during the ninety days before a federal election, specifically because systematic list maintenance activities are known to be error-prone. During the Quiet Period, voters have a very limited capacity to address and correct those errors in time to cast their ballot, and election officials will have a very limited capacity to make those corrections—particularly if large numbers of eligible voters experience these problems at the same time. Outside that window, the efficiencies of systematic list maintenance programs may outweigh the costs, because voters have a meaningful amount of time to receive notice about a removal and correct any mistakes made.

That calculus changes, however, in the final days before a federal election, as reflected in the statute. Because there is less (or no) time to identify or fix mistakes, a systematic list maintenance program run during that window carries an unacceptable risk of disenfranchising eligible voters. The Quiet Period thus balances the NVRA's twin goals: It permits

systematic programs nearly all of the time, but not in the final ninety days, when protecting eligible voters must come first.

That judgment is consistent with Congress's finding that the right to vote "is a fundamental right," 52 U.S.C. § 20501(a)(1), and the NVRA's first stated goal of "increas[ing] the number of eligible citizens who register to vote in elections for Federal office," 52 U.S.C. § 20501(b)(1).[3] And while the statute prohibits systematic programs during that period (subject to the narrow exceptions already discussed, 52 U.S.C. § 20507(c)(2)(B)(i)), that language allows for non-systematic—that is, *individualized*—removals during that period, *see* 52 U.S.C. § 20507(c)(2)(A). Individualized removals do not present the same risks because they are "based on individual correspondence or rigorous individualized inquiry" and thus lead "to a smaller chance for mistakes." *Arcia*, 772 F.3d at 1346. Thus, the Quiet Period provision does not prevent a state from investigating potential noncitizens and removing them based on individualized information, even during the Quiet Period. And it nowhere bars states from using their resources to ensure noncitizens are not registered on state voter rolls. All the statute does is regulate how and when they may do so.

---

[3] Congress struck a similar balance throughout the NVRA. For example, Section 8(d)(1)(B)(ii) of the NVRA does not allow election officials to remove voters suspected of having moved outside their jurisdiction from the voter rolls until two general elections have passed after notice is provided to the voter. This provision allows election officials to take affirmative steps to ensure their voter rolls are accurate but requires that the process permits voters plenty of time to correct any mistakes.

Unsurprisingly, the lower federal courts have agreed that Congress barred systematic removals in the period before an election because that is when errors are hardest to correct and the risk is the greatest. For example, in *Arcia v. Florida Secretary of State*, the Eleventh Circuit described the provision as striking "a careful balance: It permits systematic removal programs at any time except for the 90 days before an election because that is when the risk of disfranchising eligible voters is the greatest." *Arcia*, 772 F.3d at 1346. The Fourth Circuit's decision in *Republican National Committee v. North Carolina State Board of Elections*, 120 F.4th 390, 401 (4th Cir. 2024) (quoting *Arcia*, 772 F.3d at 1346), adopted the same reasoning, as have other courts around the country. *See, e.g.*, *Fair Fight Inc. v. True the Vote*, 710 F. Supp. 3d 1237, 1243 (N.D. Ga. 2024); *Majority Forward v. Ben Hill Cnty. Bd. of Elections,* 512 F. Supp. 3d 1354, 1368 (M.D. Ga. 2021); *Va. Coal. for Immigr. Rts. v. Beals*, No. 24-2071, 2024 WL 4601052, at *1 (4th Cir. Oct. 27, 2024); *Drouillard v. Roberts*, No. 24-cv-6969, 2024 WL 4667163, at *10 (N.D. Cal. Nov. 4, 2024) ("The reason Congress chose not to allow for systematic removal of voters within 90 days of an election is that '[i]n the final days before an election . . . the calculus changes' and '[e]ligible voters removed days or weeks before Election Day will likely not be able to correct the State's errors in time to vote.'" (quoting *Arcia*, 772 F.3d at 1346)).

That legislative judgment—that the relative equities change the closer to an election—is not some outlier; it is also reflected in this Court's own election law precedents. In *Purcell v. Gonzalez*, 549 U.S. 1 (2006), this Court cautioned against late-breaking

changes that leave "inadequate time to resolve . . . factual disputes." *Id.* at 5–6. Congress thought the same. The Quiet Period's narrow limits thus ensure that when a state conducts systematic list maintenance programs—which, as amici discuss below, are often error-ridden—it leaves itself enough time to re-enfranchise voters who have been wrongfully removed. And that judgment holds even when a state purports to remove only noncitizens.

II. EMPIRICAL EVIDENCE PROVES THAT SYSTEMATIC VOTER LIST MAINTENANCE PROGRAMS ARE ERROR-PRONE

The wisdom of Congress's balanced policy judgment in the NVRA's Quiet Period provision is borne out by real-world experience. The inherent limitations in systematic list maintenance programs lead to errors, with eligible voters removed from the voter rolls. These programs usually rely on matching names on voter rolls to names on various government databases. But those databases are often outdated or incomplete, and linking different databases often leads to false positives (*i.e.*, entries that seem to match but shouldn't).

These problems are particularly fraught when it comes to mass determinations about citizenship. And the impacts are severe even when systematic list maintenance programs are working as designed. When matching millions of records, even extremely low error rates could lead to tens of thousands of false positives. *See* Jasleen Singh, *Watch Out for False Voter Fraud Claims Fueled by SAVE Program*, Brennan Ctr. for Just. (June 12, 2026), https://perma.cc/6V8A-5JUF. One recurring problem

stems from the limitations of the Department of Homeland Security's ("DHS") Systematic Alien Verification for Entitlements ("SAVE") database. The SAVE database's fallibility is well-documented. *See infra; see also* Jasleen Singh & Spencer Reynolds, *Homeland Security's "SAVE" Program Exacerbates Risks to Voters*, Brennan Ctr. for Just. (Jul. 21, 2025), https://perma.cc/6FME-HBJD (collecting sources). Eligible voters subjected to systematic list maintenance programs aimed at removing noncitizens have had to resort to litigation to protect their right to vote. For example, the *Arcia* case arose when Florida voters were wrongfully flagged as noncitizens because of discrepancies resulting from the State's use of the SAVE database. *See* 772 F.3d at 1339, 1341.

The problems are not just with the SAVE database. Systematic list maintenance programs, which use computerized data-matching processes that involve matching computerized voter-registration lists with other computerized data records compiled at different times and for different reasons, inevitably lead to errors. That risk, tolerated by the NVRA most of the time, becomes intolerable during the Quiet Period because it takes time to identify and correct those errors. The examples discussed below confirm that the potential for errors is pervasive.

A. Alabama

On August 13, 2024, eighty-four days before the general election, Alabama's Secretary of State launched a program targeting 3,251 registered voters as suspected noncitizens. More than 2,000 of them were confirmed to have been erroneously flagged and

later reactivated. The State confirmed only four noncitizens; three of whom had never registered at all and were added to the rolls through a state agency error; and the fourth said they had never voted. United States' Mot. for Prelim. Inj. 25 n.6, *United States v. Alabama*, No. 24-cv-1329 (N.D. Ala. Oct. 2, 2024), Dkt. No. 12.

Alabama's 2024 program compared the State's voter rolls against driver's license and ID card data from the Alabama Law Enforcement Agency ("ALEA") and unemployment data from the Alabama Department of Labor ("ADOL"). Compl. ¶ 33, *United States v. Alabama*, No. 24-cv-1329 (N.D. Ala. Sep. 27, 2024), Dkt. No. 1. The ALEA data was unreliable. Driver's licenses issued to foreign nationals in Alabama remain valid for up to four years, and non-driver ID cards for up to eight, and ALEA does not require newly naturalized citizens to update their citizenship status before their license or ID card expires. *Id.* at ¶¶ 35–37. Because the program did not distinguish between ALEA records that predated an individual's voter registration and those that postdated it, the State's program incorrectly flagged many naturalized citizens who properly registered to vote, merely because their license or ID card was not yet updated. The program made similar errors based on ADOL records because ADOL likewise did not require newly naturalized citizens to update their records. *Id.* at ¶¶ 44–47; United States' Mot. for Prelim. Inj. at 8. The State also ignored documentation proving voter eligibility: More than fifty Alabamians flagged as noncitizens by the program had in fact provided a naturalization or citizenship certificate to ALEA. United States' Mot.

for Prelim. Inj. at 7. Secretary Allen's Chief of Staff, Wes Helms, testified "that he understood that in any process using data, you're going to have the potential for false positives for other issues." Prelim. Inj. Hr'g Tr. at 8:23–25, *United States v. Alabama*, No. 24-cv-1329 (N.D. Ala. Oct. 16, 2024), Dkt. No. 57.

Many naturalized citizens were thus ensnared. One of them was Saul Jimenez. Mr. Jimenez had renewed his foreign national driver's license shortly before he became a U.S. citizen in 2022, and he registered to vote soon after his naturalization ceremony. Ex. 9: Jimenez Decl. ¶¶ 4, 7, *United States v. Alabama*, No. 24-cv-1329 (N.D. Ala. Oct. 2, 2024), Dkt. No. 12-10. Despite being a U.S. citizen, he received a form letter telling him that his voter registration had been inactivated and that he would be removed from the statewide voter list. *Id.* at ¶¶ 5, 9–11.

Another was Jennifer Berg, a native-born U.S. citizen who was flagged as a noncitizen. The program relied on ADOL data, but it appears there were additional agency paperwork errors: Ms. Berg began but never completed an online application for unemployment benefits with ADOL. Yet she was still targeted under Alabama's program because she purportedly checked a box on that incomplete, unsubmitted application indicating that she was not a citizen. In other words, paperwork Ms. Berg had never even filed was being used to prevent her from exercising her right to vote. Ex. 11: Berg Decl. ¶¶ 10–13, *United States v. Alabama*, No. 24-cv-1329 (N.D. Ala. Oct. 2, 2024), Dkt. No. 12-12. Adding additional injury, Ms. Berg did not receive a letter from her county registrar informing her that she had been

removed from the voter rolls until August 29, more than two weeks after the list maintenance program began. United States' Mot. for Prelim. Inj. at 9. A county registrar incorrectly instructed another eligible voter, Clarence Hunter, to complete a self-removal form. Prelim. Inj. Hr'g Tr. at 15:14–25.

None of this was necessary to keep noncitizens off Alabama's rolls. The State could have run its program months earlier, when voters like Mr. Jimenez would have had time to correct the State's mistakes. And Alabama continues to have "the ability to remove noncitizens from the rolls on the basis of individualized information despite the [Quiet Period] provision," Prelim. Inj. Hr'g Tr. at 16:1–10, and the "authority to investigate and prosecute noncitizens who try to vote in elections in Alabama," *id.* at 17:2–10.

B. Virginia

Ninety days before the 2024 General Election, then-Virginia Governor Glenn Youngkin issued Executive Order 35, which expanded Virginia's list maintenance program to require daily updates to the voter list even during the NVRA Quiet Period. Compl. ¶ 4, *Va. Coal. for Immigr. Rts. v. Beals*, No. 24-cv-1778 (E.D. Va. Oct. 7, 2024), Dkt. No. 1. This program removed individuals who allegedly had not verified their citizenship status to the Commonwealth's DMV. The program required registrars to notify voters of their pending cancellation and gave them just fourteen days to provide proof of their citizenship. *Id.* ¶¶ 2, 4, 37–38.

From the start, the risk of error was clear. Public reporting quoted one election official in rural Nelson

County stating that she had "never encountered a case of a noncitizen on the voter rolls," and only knew of instances in which the Commonwealth flagged an alleged noncitizen that turned out to be a legitimate voter checking the wrong box. Gregory S. Schneider & Laura Vozzella, *Youngkin stokes fears of vast noncitizen voting in Virginia. Records don't show it.*, Wash. Post (Oct. 9, 2024), https://perma.cc/KL98-2T9N.

In September 2024, Prince William County's General Registrar said that while Virginia's program had flagged 162 individuals on the voter rolls as noncitizens from January 2022 to July 2024, at least forty-three of those 162 individuals were likely citizens. *See* McDonald Decl. ¶ 9, *Va. Coal. for Immigr. Rts. v. Beals*, No. 24-cv-1778 (E.D. Va. Oct. 15, 2024), Dkt. No. 26-2. Even so, the Registrar noted that the Commonwealth's methodology forced the county to cancel all of the flagged registrations. *Id.*

The litigation that resulted revealed even more errors. Plaintiffs identified several individuals whose voter registration was erroneously cancelled during the Quiet Period under Executive Order 35. One organization identified eleven individuals who were removed from the voter rolls because the Commonwealth concluded they were noncitizens, even though they were U.S. citizens and eligible voters who had voted for years. *See* Suppl. Decl. of Gigi Traore ¶¶ 4–7, *Va. Coal. for Immigr. Rts. v. Beals*, No. 24-cv-1778 (E.D. Va. Oct. 24, 2024), Dkt. No. 108.

One was Christine Rabassa. Ms. Rabassa, a native-born U.S. citizen and eligible voter who had voted in Virginia elections for over twenty years, had

her registration cancelled during the Quiet Period, apparently because her driver's license expired. When she attempted to vote during early voting, poll workers were unable to locate her in the poll books and she was informed that her registration had been cancelled. She was denied the opportunity to vote that day because of the unlawful removal. Ultimately, Ms. Rabassa was allowed to re-register. *See* Suppl. Decl. of Anna J. Dorman ¶¶ 3–16, *Va. Coal. for Immigr. Rts. v. Beals*, No. 24-cv-1778 (E.D. Va. Oct. 24, 2024), Dkt. No. 108-2.

Another voter, Shantae Martin, had a similar story. Ms. Martin was born and raised in Virginia and had been registered to vote for over ten years. Virginia's list maintenance program erroneously identified her as a noncitizen. She also went to the Virginia DMV to get her driver's license, which appeared to have prompted the unlawful removal. *See id.* at ¶¶ 17–28.

Ms. Rabassa and Ms. Martin should have never been removed from the rolls, but other voters likely fared worse. Ms. Rabassa was able to re-register only because she had tried early voting; had she gone on Election Day, she would have been denied the opportunity to vote a regular ballot in the election. Ms. Martin learned that her registration had been cancelled only because one of the plaintiff organizations in that suit, African Communities Together, informed her. Other eligible voters ensnared in the systematic program, by contrast, may not have learned of the error in time.

C. Texas

In January 2019, Texas's Secretary of State announced that his office had "discovered" 95,000 noncitizens who had a matching voter registration record—a claim amplified by Texas Attorney General Ken Paxton, Texas Governor Greg Abbott, and eventually President Donald J. Trump. *See* 3d Am. Compl. ¶¶ 122–27, *Tex. League of United Latin Am. Citizens v. Whitley*, No. 19-cv-74 (W.D. Tex. Mar. 6, 2019), Dkt. No. 97 (citation modified). The Secretary of State transmitted those names to counties, and many of the counties immediately initiated processes to remove those voters from the rolls.

However, just four days after that announcement, the Secretary of State's office began informing county officials that its list of suspected noncitizen voters "may be flawed," and that some voters on the list "shouldn't be there because they had already proven their citizenship." *Id.* at ¶ 135 (citation modified).

The scale of the error soon became apparent. In Harris County alone, 18,000 individuals on the Secretary of State's list "had already been identified as citizens" and "Harris County expected more mistakes to be discovered." *Id.* at ¶ 141 (citation modified). The same was true across the State. *See, e.g.*, *id.* at ¶ 142 (in McLennan County, *all* voters on the Secretary of State's list were U.S. citizens); *id.* at ¶ 143 (in Williamson County, the county administrator reported that the Secretary of State determined more than half the original list of county voters were citizens). Among other obvious problems, the Secretary of State's list contained naturalized citizens who registered to vote after they became U.S.

citizens. *See id.* at ¶ 146. Notwithstanding all those errors, the State continued purging voters from the rolls based on the list. *See id.* at ¶ 149.

Voters brought suit for relief from this very expansive Texas list maintenance effort. Their stories illustrate well why systematic efforts to remove alleged noncitizens inevitably ensnare many U.S. citizens (especially naturalized citizens) who are eligible voters. Julieta Garibay, a naturalized U.S. citizen and resident of Travis County was wrongfully identified as a noncitizen, and her information was sent to Travis County. Travis County notified her in writing that "it would investigate her U.S. citizenship." *Id.* at ¶ 10. Another plaintiff—also a naturalized U.S. citizen—was told by the Smith County Elections Administrator's office that he had thirty days to "provide proof of citizenship" or "his voter registration [would] be cancelled." *Id.* at ¶ 30. The same happened to Elena Keane, Maria Felicitas Barbosa, and several other plaintiffs—all naturalized citizens—who were told by their respective counties that if they failed to provide proof of citizenship within thirty days, their registration would be cancelled. *See id.* at ¶¶ 16–42. Travis County officials told at least one voter—Martine Hummel, a naturalized citizen—that she should cancel her voter registration to get off the suspect-voter list. *See id.* at ¶ 45.

In the years since, Texas has continued efforts to systematically remove noncitizens from its voter rolls, and those efforts have continued to ensnare U.S. citizens. In October 2025, the Texas Secretary of State announced that her office had compared the State's voter registration list against the SAVE database to identify 2,724 potential noncitizens who are registered

to vote in Texas. *See* Jen Fifield & Zach Despart, *A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas*, Tex. Trib. (Feb. 13, 2026), https://perma.cc/W7J9-M3FX. This effort involved conducting list maintenance using the SAVE database, which had recently been updated by DHS. *Id.*

This effort again ensnared many U.S. citizens. Among them were four registered voters who challenged the use of the modified SAVE database in *League of Women Voters v. U.S. Department of Homeland Security*, 835 F. Supp. 3d 79 (D.D.C. 2026). As the district court found, their sworn declarations established that they "were naturalized citizens with inaccurate [Social Security Administration ("SSA")] records; that Texas threatened to revoke their voter registrations because of information obtained through the modified SAVE system; and that they were required to confirm their citizenship to maintain their voter registrations." *Id.* at 113. When this Court stayed the injunction in that case for unrelated reasons, it recognized that for at least one of those individuals, her "SSA records do not accurately reflect that she is now a naturalized citizen." *U.S. Dep't of Homeland Sec. v. League of Women Voters*, No. 26A308, 2026 WL 2879700, at *2 (Sup. Ct. Sep. 25, 2026).[4]

[4] The *League of Women Voters* litigation does not actually arise under the NVRA, so this Court's recent stay order has limited legal significance for the statutory interpretation questions here. Indeed, in staying the injunction the Court expressly acknowledged that the Quiet Period provision's "moratorium

Moreover, while even more errors are suspected and likely, the public reporting about this effort establishes that a significant number of other U.S. citizens were mistakenly included—such as reporting that eighty-seven individuals across twenty-nine counties were flagged as noncitizens in error. *See* Fifield & Despart, *A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas*. And Travis County investigated and determined that this list maintenance effort had likely incorrectly flagged thirty-one out of ninety-seven alleged noncitizens on its voter rolls. *See* Br. of Amici Curiae of Travis County 6–8, *U.S. Dep't of Homeland Sec. v. League of Women Voters*, No. 26A308 (Sup. Ct. Sep. 15, 2026). And because these are only the incorrect records identified using Department of Public Safety data, the true percentage of U.S. citizens on the county's SAVE system list may be much higher. *League of Women Voters*, 2026 WL 2879700, at *8. The thirty-one citizens mistakenly flagged included twenty voters who registered to vote after their most recent interaction with the State motor vehicles agency, so they likely had recently become U.S. citizens and had already provided proof of citizenship to the Texas Department of Public Safety. *See* Br. of Amici Curiae of Travis County at 7–8. After the County investigated, it confirmed that at least eleven of the identified voters were U.S. citizens. *See id.* at 8. Travis County spent "thousands of hours" investigating accusations of noncitizen voting. *See id.*

---

limits the potential impact of staying the District Court's order," and it reaffirmed that the statutory scheme still allows "individualized inquiries . . . during this period." *See League of Women Voters*, 2026 WL 2879700, at *3.

at 11. Other counties—most with fewer resources than Travis County to do such individualized research—could not possibly have caught all errors within ninety days.

Indeed, the problems persisted in other Texas counties. Public reporting identified one of the program's victims as Sofia Minotti, a Denton County resident born in Argentina and naturalized prior to being removed from the voter rolls. Fifield & Despart, *A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas*. She and eleven others have since confirmed their citizenship, bringing the county's error rate to at least 14%. *Id.* In Duval County, SAVE flagged three voters, all of whom were confirmed to be citizens. *Id.* Three of nine voters identified in Potter County already had proof of citizenship on file. *Id.* In Randall County, one in five flagged voters were confirmed to have a U.S. passport. *Id.* And six of eleven in Moore County and two out of three in Erath County were also confirmed to be citizens eligible to vote. *Id.*

Additionally, in July 2026, the Texas Secretary of State admitted that many voters had been incorrectly flagged through this list maintenance after discovering that many of the flagged voters had previously updated their proof of their citizenship with the Department of Public Safety. Natalia Contreras, *State finds some registered Texas voters were wrongly flagged as potential noncitizens*, Houston Pub. Media (Jul. 31, 2026), https://perma.cc/2YD5-ZBLT.

Election officials expressed their distrust in this process. "I really find no merit in any of this," said

Bobby Gonzalez, the elections administrator in Duval County in South Texas. Fifield & Despart, *A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas*.

D. Iowa

On October 22, 2024, just before the federal election, Iowa Secretary of State Paul Pate sent county registrars a list of thousands of voters he claimed were noncitizens. *See* Robin Opsahl, *Iowa Secretary of State says 87 noncitizens voted in elections*, Iowa Cap. Dispatch (Oct. 22, 2024), https://perma.cc/T5FC-PD7U. He directed registrars to distribute the names to precincts so poll workers could challenge ballots cast by anyone on the list. The list was compiled from State driver's license records, many of which included out-of-date data regarding citizenship status. For example, one voter who registered in 2022 was flagged as a noncitizen based on information she provided to the Department of Transportation in *2000*. *See Selcuk v. Pate*, No. 24-cv-390, 2024 WL 5054961, at *8 (S.D. Iowa Nov. 3, 2024).

In total, Secretary Pate's list included 2,176 registered voters. *Id.* at *1. But his staff later admitted in litigation that at least eighty-eight percent of those listed were eligible citizens. *See* Suppl. Decl. of Michael Ross ¶ 36, *Selcuk v. Pate*, No. 24-cv-390 (S.D. Iowa Nov. 2, 2024), Dkt. No. 31-1. Even so, Secretary Pate's directive required poll workers to challenge ballots cast by anyone on the list, even if they presented citizenship documentation or poll workers otherwise knew they were eligible. *See Selcuk*, 2024 WL 5054961, at *7–8 ("[L]ocal officials are being directed to lodge a challenge to voter

eligibility based on non-citizenship even if the officials have personal knowledge that the voters are United States citizens (or, at least, do not believe there is reasonable suspicion to conclude otherwise)."). After the ACLU and ACLU of Iowa filed suit, Secretary Pate backed down from the mandatory language of his order and advised officials not to challenge ballots of voters that they knew to be citizens. *See id.* at *8.

Although it was a directive to challenge ballots, rather than to cancel voters' registrations, Iowa's last-minute list maintenance program demonstrates the need for the Quiet Period prior to an election. The program came just *two weeks* before Election Day, when early voting was already underway. Such a program on the eve of an election inevitably risks voter confusion, meritless challenges, and potential disenfranchisement.

E. Arizona

The experience in Arizona is particularly relevant here and demonstrates that the State's use of the SAVE database has led to mass misidentifications of eligible voters as noncitizens. *See* Sasha Hupka, *Maricopa County investigated 60 suspected noncitizen voters. 52 are citizens, 8 are not.*, Votebeat Ariz. (Sep. 28, 2026), https://perma.cc/8U7K-SR9E. After systematic list maintenance using the SAVE database was performed, Maricopa County Recorder Justin Heap originally flagged 207 individuals as alleged noncitizens on the voter rolls. Maricopa Cnty. Att'y's Off., *Statement from MCAO on Referrals from the Maricopa County Recorder's Office* (Mar. 23, 2026), https://perma.cc/V5AZ-CGWP. Heap asked the county's top prosecutor to investigate sixty of these

individuals who had allegedly voted. *Id.* The prosecutor, County Attorney Rachel Mitchell, ultimately determined that only eight of these individuals are noncitizens. Mitchell determined that of the eight noncitizens, all but one were erroneously registered by the county while renewing their driver's licenses. Hupka, *Maricopa County investigated 60 suspected noncitizen voters. 52 are citizens, 8 are not.*. Thus, in a county with 2.5 million registered voters, this list maintenance effort found only eight noncitizens who had voted; seven of whom had been registered through the county's own error. *Id.* As Ms. Mitchell acknowledged, the number of ballots cast by noncitizens was too small to sway any election. *Id.*

III. IT IS EXCEEDINGLY RARE FOR NONCITIZENS TO BE ON VOTER ROLLS.

Recent state audits have shown that incidents of noncitizen voting continue to be rare, isolated occurrences, and the number of potential noncitizens identified is negligible. For example, of the 35 million registered voters evaluated recently by seven states using the recently modified SAVE database, only 0.01% of all registered voters in these states were identified as likely noncitizens. Fifield & Despart, *A federal tool to check voter citizenship keeps making mistakes. It led to confusion in Texas*.[5] Moreover,

[5] *See also* Stephen Richer, *Another Data Point Against the Theory That Noncitizens Are Voting En Masse*, Cato Inst., (May 14, 2026), https://perma.cc/HK89-HD45 (noting Utah's recent audit of 2.1 million voters that identified one noncitizen registered and Pennsylvania's audit of 210,905 voters that identified one noncitizen registered who never voted, is no longer registered, and no longer lives in Pennsylvania).

evidence shows that almost all noncitizens found on voter rolls ended up there accidentally, as the result of administrative errors and confusion. Pam Fessler, *Some Noncitizens Do Wind Up Registered to Vote, But Usually Not on Purpose*, Nat'l Pub. Radio, (Feb. 26, 2019), https://perma.cc/ZY98-QX6N.

Another recent analysis of claims of noncitizen voting showed that even "the largest claims never identify a number of possible noncitizens registrants or voter that amount to more than roughly one-tenth of one percent of the number of active registered voters in a state." *See Claims of Noncitizen Registration or Voting: Analysis and Tracker*, Ctr. for Election Innovation & Rsch. (Sep. 2026), https://perma.cc/9SPL-4UCS; *see also* Wren Orey et al., *Four Things to Know About Noncitizen Voting*, Bipartisan Pol'y Ctr. (Jul. 22, 2026), https://perma.cc/Y9EL-A4VQ (finding that nationwide "just 0.04% of voter verification cases are returned as noncitizens"). Or they ultimately do not find any confirmed noncitizens. The New York Times recently reported that in August of this year, DHS sent Nevada a list of 185 purported noncitizens who were registered to vote on Nevada's voter rolls. Nick Corasaniti, *From 16,000 to 185 to Zero: Trump's Claims of Illegal Voting in Nevada Fizzle*, N.Y. Times (Sep. 24, 2026), https://perma.cc/6CHC-2AZ9. According to the Times, Nevada confirmed a month later that every single person on DHS's list was a lawfully registered citizen.

Many states are regularly searching for noncitizens through large systematic list maintenance programs, despite the overwhelming evidence that noncitizen voting is extremely rare, and that these

systematic list maintenance programs sweep up large numbers of U.S. citizens. Most of the time, states are free to do so, whether or not it is good policy or a wise use of resources. But under the NVRA, they may not do it during the Quiet Period.

* * *

There is no question that states have not only the authority but the responsibility to protect the integrity of their elections by conducting routine list maintenance activities as provided by the NVRA. *Williams v. Rhodes*, 393 U.S. 23, 34 (1968) ("[T]he State is left with broad powers to regulate voting, which may include laws relating to the qualification[s] and functions of electors."). But conducting systemic list maintenance activities so close to an election provides too great a risk that eligible citizens will be ensnared in these activities with too little time to remedy any errors by the state.

The Court should uphold the careful balance Congress struck in the plain language of the NVRA.

CONCLUSION

The judgment below should be affirmed.

Respectfully submitted,

Sophia Lin Lakin
Juan M. Ruiz Toro
Ethan Herenstein
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street
18th Floor
New York, NY 10004

Cecillia D. Wang
Evelyn R. Danforth-Scott
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
425 California Street
Suite 700
San Francisco, CA 94104

Ashley Alcantara Harris
Thomas Buser-Clancy
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF TEXAS, INC.
1018 Preston Street
Houston, TX 77002

Sarah Brannon
Counsel of Record
Kelli Slater
Patricia J. Yan
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
915 15th Street NW
Washington, DC 20005
(202) 457-0800
sbrannon@aclu.org

Tara R. DeGeorge
Ahmed Soussi
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF ARIZONA
2712 North 7th Street
Phoenix, AZ 85006

Eden Heilman
Vishal Agraharkar
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF VIRGINIA
P.O. Box 26464
Richmond, VA 23261

Counsel for Amici Continued on Next Page

Rita Bettis Austen
Thomas Story
Shefali Aurora
West Connors
AMERICAN CIVIL LIBERTIES UNION OF IOWA FOUNDATION, INC.
505 Fifth Avenue
Suite 808
Des Moines, IA 50309

Alison Nicole Mollman
Paul Hartmann Rand
AMERICAN CIVIL LIBERTIES UNION OF ALABAMA
P.O. Box 6179
Montgomery, AL 36106-0179

Daniel Tilley
AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF FLORIDA
4343 W. Flagler St.
Suite 400
Miami, FL 33134

Counsel for Amici American Civil Liberties Union, American Civil Liberties Union of Alabama, American Civil Liberties Union of Arizona, American Civil Liberties Union of Florida, American Civil Liberties Union of Iowa, American Civil Liberties Union of Texas, and American Civil Liberties Union of Virginia

Dated: October 20, 2026