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# Safeguard American Voter Eligibility Act (SAVE Act, H.R. 22) and Federal Voter Registration Policy and Law

The Safeguard American Voter Eligibility Act (SAVE Act, H.R. 22), would amend the National Voter Registration Act of 1993 (NVRA, 52 U.S.C. ch. 205) to require documentary proof of U.S. citizenship to register an individual to vote in federal elections and require states to “remove an individual who is not a citizen of the United States” from the voter rolls. H.R. 22 was made in order for consideration under H.Res. 5, the adoption of the House Rules package for the 119<sup>th</sup> Congress. Representative Roy introduced H.R. 22 on January 3, 2025. In the Senate, S. 128 (A bill to amend the National Voter Registration Act of 1993 to require proof of U.S. citizenship to register an individual to vote in elections for Federal office, and for other purposes) has been introduced by Senator Lee.

In the 118<sup>th</sup> Congress, the House of Representatives passed H.R. 8281 (221-198), a bill substantively identical to H.R. 22, on July 10, 2024. Representative Roy also sponsored H.R. 8281. Senator Lee introduced a Senate version of the SAVE Act, S. 4292, on May 8, 2024. The Senate bill did not substantially advance beyond introduction.

This CRS In Focus provides an overview of existing voter-registration policy and law in federal elections and discusses how H.R. 22 would affect the status quo. As discussed below, current federal law prohibits aliens voting in federal elections and imposes various registration requirements on states for federal elections.

In amending the NVRA, the SAVE Act would establish additional requirements at the time of registration to be undertaken by states—which are primarily responsible for voter registration—for individuals seeking to register to vote. The SAVE Act would create documentation requirements at the time of registration (instead of at the time of casting a ballot) and would establish additional state voter list maintenance requirements. It appears that the provisions would apply throughout much of the country, but not in states not covered by the NVRA.

According to the U.S. Department of Justice, the NVRA exempts the states of Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming because, on and after August 1, 1994, they either did not have voter registration requirements or had Election Day voter registration. The NVRA also does not apply to the U.S. territories (52 U.S.C. §§20502-20503).

## Current Federal Law and the Voter Registration Process

Current federal law addresses voter eligibility, as well as certain elements of voter registration and voter registration list maintenance for federal elections. States and territories

are responsible for conducting and administering voter registration. Election jurisdictions (typically counties) rely on information from registrants and from state and federal sources to verify eligibility.

## Voter Eligibility and Voter Registration Verification for Federal Elections

Section 611 of Title 18, U.S. Code, generally prohibits “any alien to vote” in an election for candidates for “the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner,” with limited exceptions, including if (1) each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a U.S. citizen (whether by birth or naturalization); (2) the alien permanently resided in the United States prior to attaining the age of 16; or (3) the alien reasonably believed at the time of voting in violation of such subsection that he or she was a U.S. citizen. Further, 18 U.S.C. §611 provides an exception to the prohibition when an alien is authorized to vote by state or local law for nonfederal candidates or issues and the ballot is designed so that the alien has the opportunity to vote solely for nonfederal candidates or issues.

In addition, the NVRA establishes certain requirements for voter registration applications for federal elections, which includes a statement specifying eligibility requirements, including citizenship; an attestation that the applicant meets each requirement; and the applicant’s signature under penalty of perjury. Under the NVRA, states “may only require the minimum amount of information necessary” to prevent duplicate voter registrations and ensure that election officials can assess the applicant’s eligibility and administer voter registration and election processes. In *Arizona v. Inter Tribal Council of Ariz., Inc.*, the Supreme Court held that the NVRA’s requirement that states accept the federally created National Mail Voter Registration Form for registering voters in federal elections preempted a state law requiring documentary proof of citizenship for registering to vote in federal elections.

The Help America Vote Act of 2002 (HAVA, 52 U.S.C. ch. 209) also prohibits states from accepting or processing voter registration applications for federal elections unless the applicant provides certain identifying information, namely a current and valid driver’s license number; if the applicant does not have a driver’s license, the applicant may provide the last four digits of his or her Social Security number, and if the applicant has neither, the state shall assign the applicant a unique identification number for voter registration purposes. Election officials may use

various methods, generally governed by state law, for verifying voter registration information, some of which involve federal data. HAVA requires a state's department of motor vehicles to enter into information-sharing agreements with state election officials and with the Social Security Administration to verify voter applicant information. Election officials may also use the U.S. Citizenship and Immigration Services' (USCIS) Systematic Alien Verification for Entitlements (SAVE) program to help verify voter registration applicants' citizenship status.

States and localities may have separate eligibility requirements for nonfederal elections. In Arizona, for example, state law requires documentary proof of citizenship for registering to vote in nonfederal elections.

### **Voter Registration List Maintenance and Voter Removal for Federal Elections**

The NVRA further specifies reasons why and the circumstances under which a state may remove names of voters from federal election voter rolls. Reasons specified under NVRA for voter removal include change of residence, death, or (depending on state law) ineligibility due to mental incapacity or criminal conviction.

### **The SAVE Act (H.R. 22)**

Building on these existing federal laws, the SAVE Act (H.R. 22) would amend the NVRA to require documentary proof of citizenship when registering to vote in federal elections. As specified in §2 of H.R. 22, the acceptable documentary proof of citizenship for voter registration would include identification (ID) that complies with the REAL ID Act of 2005 that indicates U.S. citizenship; a valid U.S. passport; military ID together with a U.S. military service record indicating that the applicant's birthplace was in the United States; a government-issued photo ID indicating the applicant's birthplace was in the U.S.; or another government-issued photo ID that does not indicate birthplace or citizenship together with another specified document. For federal voter registration applicants without such documentation, H.R. 22 would require states to establish a process whereby applicants could submit other documentation and sign an attestation under penalty of perjury that the applicant is a U.S. citizen

and eligible to vote in federal elections. The proof of citizenship requirements in the SAVE Act would only address voter registration and would not require documentation for casting a ballot in federal elections.

In addition, H.R. 22 would amend the NVRA to require states to remove the names of individuals from the official voter rolls for federal office whenever the state receives "documentation or verified information that a registrant is not a United States citizen."

### **Additional CRS Resources**

The following CRS products provide further information on the topics discussed in this In Focus:

- CRS Report R45030, *Federal Role in Voter Registration: The National Voter Registration Act of 1993 (NVRA) and Subsequent Developments* (2025).
- CRS Report R46943, *Voter Registration Records and List Maintenance for Federal Elections* (2025).
- CRS Legal Sidebar LSB10175, *Supreme Court Rules Ohio Voter Roll Law Comports with National Voter Registration Act* (2018).
- CRS Report R46406, *Voter Registration: Recent Developments and Issues for Congress* (2025).
- CRS In Focus IF12742, *Federal Criminal Laws Prohibiting Unlawful Voting* (2024).
- CRS Report R46949, *The Help America Vote Act of 2002 (HAVA): Overview and Ongoing Role in Election Administration Policy* (2023).

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