

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

AMICUS BRIEF OF THE AMERICAN CENTER FOR
LAW & JUSTICE AND REPRESENTATIVE ELI
CRANE IN SUPPORT OF PETITIONER

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INTEREST OF AMICI¹

The American Center for Law and Justice (“ACLJ”) is an organization dedicated to the defense of constitutional liberties secured by law, including election integrity and security in the electoral process. ACLJ attorneys have appeared often before this Court as counsel for parties, *e.g.*, *Trump v. Anderson*, 601 U.S. 100 (2024); *McConnell v. FEC*, 540 U.S. 93 (2003); *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993); or as amici, *e.g.*, *Beals v. Va. Coal. for Immigrant Rights*, 220 L. Ed. 2d 179 (2024); *Fischer v. United States*, 603 U.S. 480 (2024); *McDonnell v. United States*, 579 U.S. 550 (2016); and *Bush v. Gore*, 531 U.S. 98 (2000). The ACLJ has a strong commitment to defending the right of States to maintain election security and prevent election fraud by removing ineligible voters.

Representative Eli Crane serves as the Member of Congress for Arizona’s Second Congressional District. As Arizona’s representative in the United States House of Representatives, Representative Crane has a direct interest in the integrity of Arizona’s elections and in the State’s authority to enforce lawful voter qualifications. His constituents depend on secure, orderly, and lawful elections to ensure that their votes are not diluted by the participation of ineligible voters.

¹ No counsel for any party authored this brief in whole or in part. No such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person or entity aside from amici, their members, or their counsel made a monetary contribution to the preparation or submission of this brief.

SUMMARY OF ARGUMENT

Under the Constitution, States retain the authority to disqualify ineligible voters, such as the deceased and noncitizens. Federal law, meanwhile, prohibits only *systematic* programs that remove voters from voter rolls within 90 days of a federal election. It does not purport to prohibit States from removing noncitizens based on *voter-specific* information received directly from that individual that disqualifies that person from voting.

The lower courts erred by holding that the National Voter Registration Act (“NVRA”) preempted Arizona laws H.B. 2492 and H.B. 2243. They ruled that NVRA preempted the documentary proof of citizenship (“DPOC”) requirement to vote in presidential elections. But the Constitution assigns the appointment of presidential electors to the States through the Electors Clause. In exercising that authority, a State may establish a system under which its citizens vote for presidential electors and may prescribe and enforce the qualifications necessary to participate in that process. This is what Arizona has done. Necessarily, Arizona retains the power pursuant to the Constitution to exclude from casting ballots those lacking the qualifications of electors. Nothing in this case requires the Court to determine the outer limits of Congress’s authority in other contexts; the question presented is whether NVRA should be construed to prevent Arizona from enforcing qualifications that both federal and state law recognize.

NVRA does not require Arizona to accept registration or voting methods without information necessary to confirm voter eligibility. The statute was enacted to increase registration by eligible citizens while preserving accurate voter rolls and election integrity. It should not be read to forbid Arizona from requesting proof of residence or other eligibility-confirming information for state-created registration or voting mechanisms where federal law does not clearly displace state authority. Ordinary preemption principles require an actual conflict, not a judicial preference for less demanding safeguards.

Finally, Arizona’s voter-cancellation provision is not the kind of “systematic” removal barred by NVRA’s quiet-period provision. NVRA targets broad, impersonal purge programs that remove voters by category, database match, or other generalized criteria shortly before an election. Arizona’s law instead requires voter-specific information, confirmation, notice, and an opportunity to respond before cancellation. That individualized process is the opposite of the indiscriminate removal program Congress sought to prevent. The preliminary injunction rests on an overreading of NVRA. Properly understood, the statute promotes registration by eligible citizens, preserves accurate voter rolls, and does not strip States of their constitutional authority to confirm and enforce voter qualifications.

Because Arizona is exercising its constitutional authority—and fulfilling its responsibility—to protect and enforce election qualifications, this Court should reverse the judgment below.

ARGUMENT

I. NVRA should not be construed to preempt Arizona’s DPOC requirement for presidential elections because Arizona retains constitutional authority to enforce voter qualifications in the appointment of presidential electors.

The Electors Clause provides that “Each State shall appoint, *in such manner as the Legislature thereof may direct*, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress[.]” U.S. Const. art. II, § 1 (emphasis added). The Constitution reserves to the States the authority to enforce electoral qualifications. It likewise carefully specifies that “the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.” U.S. Const. art. I, § 2, cl. 1 (providing qualifications for the House of Representatives); *see* U.S. Const. amend. XVII (providing the same qualifications for the Senate).

States have authority to enforce election qualifications, and this Court has emphasized that “it would raise serious constitutional doubts if a federal statute precluded a State from obtaining the information necessary to enforce its voter qualifications.” *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 17 (2013); *see 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 qualifications and

functions of electors.”). This case does not require the Court to determine the full scope of Congress’s authority with respect to voter qualifications in federal elections. Arizona seeks only to enforce qualifications that both state and federal law currently recognize, including citizenship. The question presented is whether NVRA should be construed to prevent Arizona from enforcing those qualifications.

In fact, the authority to enforce electoral qualifications is not merely a right of the States but an obligation. This Court has noted that “the context of federal elections provides one of the few areas in which the Constitution expressly requires action by the States. . . . These Clauses are express delegations of power to the States to act with respect to federal elections.” *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 804–05 (1995). The Elections Clause’s assignment of comprehensive, primary authority to the States to regulate the times, places, and manner of elections—while providing Congress with a residual power to curb any abuses—is a reflection of the Constitution’s overall system of federalism. This Court has explained that

[o]utside the strictures of the Supremacy Clause, States retain broad autonomy in structuring their governments and pursuing legislative objectives. Indeed, the Constitution provides that all powers not specifically granted to the Federal Government are reserved to the States or

citizens. This “allocation of powers in our federal system preserves the integrity, dignity, and residual sovereignty of the States.” But the federal balance “is not just an end in itself: Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power.”

Shelby Cnty. v. Holder, 570 U.S. 529, 543 (2013) (quoting *Bond v. United States*, 564 U.S. 211 (2011)) (internal citations omitted).

In short, the Constitution leaves the States with the authority to enforce voter qualifications. See *Husted v. A. Philip Randolph Inst.*, 584 U.S. 756, 774 (2018). As Justice Story emphasized,

among a free and enlightened people, convened for the purpose of establishing their own forms of government and the rights of their own voters, the question as to the due regulation of the qualifications has been deemed a matter of mere State policy, and varied to meet the wants, to suit the prejudices, and to foster the interests of the majority.

¹ Joseph Story, *Commentaries on the Constitution of the United States* § 582 (Thomas Cooley ed., 4th ed. 1873).

A basic principle of statutory construction is that courts seek to avoid interpretations that pose constitutional problems. When it comes to the First Amendment, for example, “[t]he right of petition is one of the freedoms protected by the Bill of Rights,

and we cannot, of course, lightly impute to Congress an intent to invade these freedoms.” *E. R.R. Presidents Conf. v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 138 (1961). The same principle protects federalism and the role of the States: we must “interpret a statute to preserve rather than destroy the States’ ‘substantial sovereign powers.’” *Pa. Dep’t of Corrs. v. Yeskey*, 524 U.S. 206, 209 (1998) (quoting *Gregory v. Ashcroft*, 501 U.S. 452, 461 (1991)). These are “powers with which Congress does not readily interfere.” *Gregory*, 501 U.S. at 461.

NVRA is not immune from this consideration. Accordingly, courts interpreting NVRA have emphasized the need for attention to “constitutional concerns regarding Congress’s power to determine the qualifications of eligible voters in federal elections.” *Arcia v. Sec’y of Fla.*, 772 F.3d 1335, 1346 (11th Cir. 2014). When properly interpreted, NVRA reflects Congress’s legitimate authority to regulate the time, place, and manner of elections. But if NVRA were to apply so broadly as to prevent the removal of ineligible individuals—identified, as here, by their provision of individualized information indicating that they are not citizens—it would raise serious constitutional concerns and threaten the right of States to enforce the election qualifications recognized by both federal and state law. The district court’s preliminary injunction, if left standing, will prevent Arizona from securing its voter rolls from those who have identified themselves as noncitizens.

Congress may only “determine the Time of Chusing the Electors, and the Day on which they shall give their Votes[.]” U.S. Const. art. II, § 1, cl. 4.

Together, these clauses grant appointing power to the States alone while limiting Congress to temporal considerations “so . . . that congressional and federal influence might be excluded.” *McPherson v. Blacker*, 146 U.S. 1, 35 (1892). Consequently, this Court has described States’ authority over presidential electors as “far-reaching,” *Chiafalo v. Washington*, 591 U.S. 578, 588 (2020), and “the broadest power of determination.” *McPherson*, 146 U.S. at 27.

That power is placed “absolutely and wholly with the legislatures of the several States.” *McPherson*, 146 U.S. at 34 (quoting Senate Rep. 1st Sess. 43d Cong. No. 395). State legislatures may select the mode of appointment. *See id.* at 34–35 (quoting Senate Rep. 1st Sess. 43d Cong. No. 395) (discussing the power of state legislatures to provide that electors be selected by popular vote, governor, state supreme court, or any other designated agent of a State). States may prescribe voting qualifications for choosing electors. *See Gray v. Sanders*, 372 U.S. 368, 379 (1963) (“States can within limits specify the qualifications of voters in both state and federal elections[.]”); *Lassiter v. Northampton Cnty. Bd. of Elections*, 360 U.S. 45, 53 (1959), *superseded by statute*, The Voting Rights Act of 1965 § 4(a), 52 U.S.C. § 10302(b) (upholding a literacy test as valid exercise of state authority over voter qualifications). Finally, States set conditions for electors after appointment. *See Chiafalo*, 591 U.S. at 589 (positing a state residency requirement, qualifying status as a regular voter, or pledge agreement to vote in line with a State’s popular vote as potential conditions for being a presidential elector). Arizona chose to prescribe

voting qualifications, requiring DPOC for registering to vote in a presidential election. Ariz. Rev. Stat. § 16-121.01(C).

The lower courts erred in finding that NVRA preempted Arizona’s proof of citizenship requirement. NVRA is designed to “establish procedures [for federal, state, and local governments] that will increase the number of eligible citizens who register to vote in [federal] elections.” 52 U.S.C. § 20501(b). It “is rooted in the [Elections Clause][,]” which “empowers Congress to “make or alter” state election regulations.” *League of Women Voters of Indiana, Inc. v. Sullivan*, 5 F.4th 714, 723 (7th Cir. 2021) (quoting *Inter Tribal Council*, 570 U.S. at 14).

In *Inter Tribal*, this Court emphasized that NVRA does not prevent “a State from obtaining the information necessary to enforce its voter qualifications.” *Inter Tribal Council*, 570 U.S. at 17. This Court’s decision therefore cannot be read to strip Arizona of any meaningful means of enforcing its citizenship qualification in presidential elections. To the contrary, reading NVRA that way would eliminate the distinction between federal procedural regulation and state enforcement of voter qualifications.

The lower courts’ contrary conclusion cannot be reconciled with the very precedents on which those courts relied. *Inter Tribal* did not hold that Congress may disable Arizona from enforcing citizenship as a substantive qualification in presidential elections. To the contrary, Congress may regulate the *procedures* by which applicants register for federal elections, but

it may not use NVRA to nullify Arizona's constitutional authority to require that only citizens participate in the appointment of presidential electors.

II. NVRA does not require Arizona to accept registration or voting methods without information necessary to confirm voter eligibility.

NVRA was enacted to increase registration by eligible citizens while preserving accurate voter rolls and election integrity. It should not be read to prohibit Arizona from requiring information necessary to confirm the very qualifications federal law leaves to the States. The lower courts' contrary approach turns NVRA from a registration-access statute into a rule of forced uncertainty: Arizona may require voters to be citizens and residents, but—in a pre-election window—may not ask for the documentation needed to verify those requirements. Nothing in NVRA's text or purpose, or in preemption principles, requires such a nonsensical result.

A state law is not preempted merely because it touches the same subject as a federal statute or because a court believes the federal scheme would operate more smoothly without it. Preemption requires an actual conflict: either compliance with both state and federal law is impossible, or the state law stands as a real obstacle to Congress's purposes. *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941). Additionally, when not entirely displaced by congressional regulation, state law is preempted only to the degree it actually conflicts with federal law. *Pac. Gas & Elec. Co. v. State Energy Res. Conservation &*

Dev. Comm'n, 461 U.S. 190, 204 (1983). Real conflict between the two laws exists when following both would be a “physical impossibility.” *Id.* (quoting *Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 142–43 (1963)). The standard is a high one, and requires deference to our system of federalism. “[I]t is Congress rather than the courts that preempts state law.” *Chamber of Com. of U.S. v. Whiting*, 563 U.S. 582, 607 (2011) (quoting *Gade v. Nat’l Solid Wastes Mgmt. Assn.*, 505 U.S. 88, 111 (1992) (Kennedy, J., concurring in part and concurring in the judgment)).

Arizona can require eligibility documentation for state-created registration and voting mechanisms while still accepting and using the federal form where federal law requires it. And requiring information necessary to confirm citizenship and residence does not obstruct NVRA’s purposes; it advances them by increasing participation among eligible citizens while preserving accurate rolls and election integrity. The lower courts’ broader reading therefore rests not on a true conflict, but on a manufactured and unwarranted expansion of NVRA into an area of traditional state authority.

The same point applies to Arizona’s proof-of-residence requirement for state-form applicants. NVRA permits States to develop their own registration forms and to require “such identifying information . . . as is necessary” for election officials to assess eligibility. 52 U.S.C. § 20508(b)(1). Residence is plainly an eligibility requirement under Arizona law, and documentary proof of residence is a reasonable means of confirming that requirement for

new applicants who have not yet been vetted through Arizona’s registration system.

Although the Ninth Circuit readily acknowledged that “an applicant’s *location of residence* is ‘necessary to enable the appropriate State election official to assess the eligibility of the applicant’” because “Arizona limits voting to residents of the State[.]” the court viewed *documentary proof of residence* as too much for accomplishing the same purpose. *Mi Familia Vota v. Fontes*, 129 F.4th 691, 713 (9th Cir. 2025) (citing 52 U.S.C. § 20508(b)(1); Ariz. Const. art. VII, § 2(A); Ariz. Rev. Stat. § 16-101(A)(3)) (emphasis added).

The court reasoned that documentary proof of residence (“DPOR”) is not necessary for assessing the residency of applicants “because voters who obtain an out-of-state license or identification and receive a notice from the county recorder requesting confirmation of residency must only attest ‘under penalty of perjury’ that the voter is still a resident of Arizona.” *Id.* (citing Ariz. Rev. Stat. § 16-165(F)). This analysis improperly conflates two different Arizona voting laws. Arizona statute Section 16-121.01 governs “[r]equirements for proper registration.” Ariz. Rev. Stat. § 16-121.01. Section 16-165, by contrast, governs “[c]auses for cancellation” from registration rolls. Ariz. Rev. Stat. § 16-165. In other words, Section 16-121.01 regulates *initial registration for new applicants* while Section 16-165 regulates the status of *already-registered voters*. Consequently, the sufficiency of mere attestation for one group does not establish that documentary proof is unnecessary for the other group.

As Judge Bumatay explained in his dissent below:

There is a clear difference between an *existing* registered voter who has previously been verified as a legitimate voter and a new applicant who has not yet gone through the State’s vetting process. It makes sense to require heightened proof for the unverified applicant. That Arizona permits existing voters with a known track record to provide less proof of residence than unknown, new applicants doesn’t make proof of residence unnecessary. In other words, what may be “necessary” in some cases may not be “necessary” in all cases.

Mi Familia Vota, 129 F.4th at 752 (Bumatay, J., dissenting) (emphasis in original). The Ninth Circuit’s contrary reasoning conflated new applicants with already-registered voters, who may present different administrative and evidentiary concerns.

Nor does NVRA limit the “necessary” information States may require on their forms to “the bare minimum amount.” *Id.* at 749. While Section 20508 allows States to add “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), Section 20504 only permits States to require “the minimum amount of information necessary” for the same assessment of eligibility when someone registers to vote as part of an application for an Arizona driver’s license. 52 U.S.C. §§ 20504(c)(1)–(2). If Congress intended for

“necessary” in Section 20508 to mean “minimum amount . . . necessary,” then it would have said so just as it did in Section 20504.

If that were the case, mere attestation of residency might constitute a “minimum amount . . . necessary” such that documentary proof would have been unnecessary. However, that is not how the statute was written. Arizona therefore need not show that proof of residence is the least possible amount of information that could assist eligibility review; it need only show that residence documentation is necessary to enable officials to assess whether an applicant satisfies Arizona’s residence qualification. Because NVRA allows that kind of eligibility-confirming information, the lower courts erred in treating Arizona’s requirement as preempted.

Properly read, NVRA does not force Arizona to accept uncertainty about citizenship or residence where state law requires those qualifications and federal law does not clearly displace them. The statute promotes registration by eligible citizens while preserving state authority to confirm eligibility and maintain accurate rolls. The preliminary injunction should be vacated for that reason as well.

III. Arizona’s voter-cancellation provision does not constitute “systematic” activity under NVRA and cases interpreting it.

NVRA does not prohibit Arizona from maintaining election security by individually assessing individuals who affirmatively identify themselves as noncitizens. On the contrary, the Constitution preserves the authority of States to

determine election qualifications and to ensure that only American citizens vote in federal elections.

Section 8(c)(2) of NVRA, also known as the Quiet Period Provision, does not prevent States from protecting election qualifications or ensuring that only citizens can vote in federal elections. Instead, it requires States to complete their systematic removal of ineligible voters from registration lists by no later than 90 days before federal elections. 52 U.S.C. § 20507(c)(2). Congress has not prohibited States from removing registered voters who are individually identified as unqualified to vote.

Courts have regularly emphasized that the law “does not in any way handcuff a state from using its resources to ensure that non-citizens are not listed in the voter rolls.” *Arcia*, 772 F.3d at 1348. NVRA simply does not and cannot “bar a state from investigating potential non-citizens and removing them on the basis of individualized information.” *Id.* This strikes a careful and precise balance: the provision “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.” *Id.* at 1346 (emphasis in original).

But in no circumstance or at any time does NVRA purport to interfere with distinct removals based on particular, specific information. On the contrary, courts have consistently recognized the propriety and necessity of individualized removals based on distinct information. One case emphasized that an individual assessment looks for “first-hand evidence specific to that voter.” *N.C. State Conf. of the NAACP v. N.C.*

State Bd. of Elections, 2016 U.S. Dist. LEXIS 153249, at *16 (M.D.N.C. 2016) (internal citation omitted).

What distinguishes a “systematic” removal that is prohibited by NVRA is whether the government’s action relies “upon individualized information or investigation to determine which names from the voter registry to remove.” *Arcia*, 772 F.3d at 1344. A “systematic” program does not conduct any such individualized assessment but instead uses a formula that does not rely on individual information: for example, the state in *Arcia* “used a mass computerized data-matching process to compare the voter rolls with other state and federal databases.” *Id.*

The Arizona law at issue does not remove registrants in batches; it instead requires an individualized investigation of each potentially ineligible registrant. Ariz. H.B. 2243 § 2. The relevant provisions require that the registrant to be removed either has already confirmed or must confirm whether they are citizens or residents. *Id.* Accordingly, there is nothing in the text that speaks to the cancellation of registrants before each has a chance to confirm that they are, in fact, citizens or residents in the state. H.B. 2243 § 2(E). When the Department of Transportation reports that a registrant has requested an out-of-state operating license, the county recorder sends a notice to that *individual*, notifying the registrant that they have 90 days to return the notice or else be placed on “inactive status.” *Id.* This is not the sort of systematic cancellation contemplated by NVRA because the registrant is not removed from the voter rolls but merely designated inactive. *Id.*; *Mi Familia Vota*, 129 F.4th at 716. For

individuals who died within the reportable time period, their registration is cancelled. Ariz. H.B. 2243 § 2(D). The law states that when the county recorder “obtains information” and then “confirms” the suspected individual is not a citizen, even then the individual has 35 days to provide evidence of citizenship before the registrant is cancelled from the voter rolls. *Id.* § 2(A)(10). In each circumstance, the analysis and the determination are individualized and particular.

The Arizona law does not contemplate the form of systematized, impersonal removal condemned by NVRA. The point of the Quiet Period Provision is to prevent States from conducting broad, mechanical programs that sweep through the voter rolls shortly before an election, identify large categories of voters by database matching or similar generalized criteria, and remove names without the individualized safeguards necessary to avoid erroneous disenfranchisement. That is why *Arcia* treated a program as systematic when it depended on a mass comparison of voter-registration records against other databases, rather than on particularized evidence or an individualized investigation into each registrant’s eligibility. 772 F.3d at 1344. But the same decision made clear that Congress has *not* barred States from acting on individualized information. A removal is not “systematic” merely because it is governed by a generally applicable statute; the relevant question is whether the State is removing voters through a generalized program or instead making a voter-specific determination based on voter-specific information. Here, H.B. 2243 requires the latter. It

does not authorize county recorders to cancel registrants in batches, by category, or by assumption. Rather, it requires officials to obtain information concerning a particular registrant, confirm that information, provide notice to the registrant, and afford the registrant an opportunity to respond with proof of citizenship or residence before cancellation occurs. H.B. 2243 § 2(A)(10), (E). That process is the opposite of the “systematic” purge targeted by NVRA.

Nor does the presence of notice-and-response procedures make Arizona’s law suspect under NVRA; it confirms that Arizona is proceeding through individualized adjudication rather than an indiscriminate purge. In *Husted*, this Court upheld a list-maintenance process that used notice to determine whether a registrant remained eligible, explaining that NVRA itself permits States to send confirmation notices and to act when the registrant fails to provide the statutorily required response. 584 U.S. at 763. The same principle applies here with even greater force. Arizona is not treating silence or database information alone as dispositive. It gives the registrant notice of the eligibility concern and an opportunity to cure the issue by providing the relevant proof. That individualized opportunity to answer is precisely what separates lawful list maintenance from the kind of impersonal removal the Quiet Period Provision was designed to prevent. Accordingly, NVRA should not be read to preempt H.B. 2243, because the Arizona law preserves individualized review, protects eligible voters from erroneous removal, and enables the State to enforce

the citizenship and residency qualifications that federal law does not displace.

Application of this crucial distinction between systematic and individual removals demonstrates that Arizona's removals are legally authorized and based on voter-specific information. Arizona's method for determining whether a person is a citizen is an "individualized" assessment by the plain definition of the term. *Arcia*, 772 F.3d at 1348. Arizona is not cancelling a "batch" of voters here; it determines eligibility only when it receives information from the particular voter affirmatively indicating that the voter is not eligible to vote. A voter's own statement is undoubtedly "first-hand evidence" directly from that voter and "specific to that voter," of the very kind the courts have sought. *N.C. State Bd. of Elections*, 2016 U.S. Dist. LEXIS 153249, at *16. Arizona has the right *and responsibility* to utilize this individual information to maintain electoral security. NVRA authorizes the protection of elections by such individualized assessments.

In sum, the lower courts' reading of NVRA converts a limited quiet-period protection against broad, impersonal list-maintenance programs into a sweeping prohibition on Arizona's ability to enforce its own voter qualifications even when the State proceeds voter-by-voter, on the basis of individualized information, with notice and an opportunity to respond. That is not what NVRA says, not what its purpose requires, and not what the cases interpreting the statute permit. NVRA protects eligible citizens from erroneous disenfranchisement; it does not require Arizona to leave on the rolls persons who,

after individualized inquiry, have been identified as ineligible to vote. Because H.B. 2243 provides the individualized safeguards that distinguish lawful removal from systematic purging, the preliminary injunction rests on an erroneous view of federal law and the judgment upholding that injunction should be reversed.

CONCLUSION

This Court should reverse the decision below.

Respectfully submitted,

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