

No. 25-1017

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**In the Supreme Court of the United States**

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REPUBLICAN NATIONAL COMMITTEE,  
*Petitioner,*

*v.*

MI FAMILIA VOTA ET AL.,  
*Respondents.*

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On Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit

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**BRIEF FOR CURRENT AND FORMER  
MEMBERS OF CONGRESS AS AMICI CURIAE  
IN SUPPORT OF RESPONDENTS**

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**INTERESTS OF AMICI CURIAE<sup>1</sup>**

The questions before this Court are whether the National Voter Registration Act of 1993 (“NVRA”) prohibits Arizona from (1) requiring voter-registration applicants to produce “satisfactory” documentary evidence of U.S. citizenship when registering with a State registration form and (2) implementing a systematic program within 90 days of a Federal election to cancel the registrations of voters who are alleged to be noncitizens. The answers to both questions implicate not just the plain text of the NVRA but also the very purposes for which it was enacted three decades ago—thus requiring a clear understanding of why and how Congress struck a balance

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<sup>1</sup> Pursuant to this Court’s Rule 37.6, counsel for Amici state that no party or counsel for a party, or any other person other than Amici and their counsel, made a monetary contribution to fund the preparation or submission of this brief.

between expanding the registration of eligible electors and ensuring the integrity and accuracy of voter rolls.

Amici are current and former members of Congress who worked on and helped pass the NVRA:

David Bonior

*Democratic Representative from Michigan,  
1977–2003*

Maria Cantwell

*Democratic Representative from Washington,  
1993–1995;  
Democratic Senator from Washington,  
2001–present*

James Clyburn

*Democratic Representative from South Carolina,  
1993–present*

Anthony Coelho

*Democratic Representative from California,  
1979–1989*

Richard Gephardt

*Democratic Representative from Missouri,  
1977–2005*

Steny Hoyer

*Democratic Representative from Maryland,  
1981–present*

Jay Inslee

*Democratic Representative from Washington,  
1993–1995, 1999–2012*

Jerrold Nadler

*Democratic Representative from New York,  
1992–present*

Eleanor Holmes Norton,  
*Democratic Delegate from the District of  
 Columbia,*  
*1991–present*

Nancy Pelosi  
*Democratic Representative from California,*  
*1987–present*

James Walsh,  
*Republican Representative from New York,*  
*1989–2009*

Maxine Waters,  
*Democratic Representative from California,*  
*1991–present*

Ronald Wyden,  
*Democratic Representative from Oregon,*  
*1981–1996;*  
*Democratic Senator from Oregon,*  
*1996–present*

Representatives Coelho and Walsh served on the House Administration Subcommittee on Elections that considered the initial version of the NVRA at the time it was drafted during the 101st Congress. Representative Hoyer was a member of that same subcommittee during the 103rd Congress and was also a conferee on the committee that reconciled the House and Senate versions of the NVRA. Representatives Bonior, Cantwell, Gephardt, Hoyer, and Inslee were original cosponsors of the NVRA and were ultimately joined as cosponsors by Representatives Clyburn, Nadler, and Pelosi and Delegate Norton. Representatives Gephardt and Bonior served in the Democratic House leadership and helped guide the NVRA to enactment during the 103rd Congress. And all Amici who served in Congress at the time of the NVRA's passage voted in favor of the legislation, and Delegate

Norton supported its passage, based on their understandings of its intended purposes and effects.

Amici submit this brief to provide their unique perspective on Congress’s goals in enacting the NVRA. *See, e.g., Hewitt v. United States*, 606 U.S. 419, 425 (2025) (citing amicus brief from lead Senate sponsors of statute at issue); *United States v. Cooley*, 593 U.S. 345, 355 (2021) (citing amicus briefs by current and former members of Congress regarding legislative intent).

#### SUMMARY OF ARGUMENT

The NVRA carefully balances multiple key considerations. *See* 52 U.S.C. § 20501(a)–(b) (enumerating Congress’s findings and NVRA’s purposes). Congress sought to increase the registration of eligible voters by making the process easier and more accessible through clear and uniform standards for Federal elections. At the same time, Congress recognized the need to maintain standards and practices to protect election integrity and ensure current and accurate voter rolls. These goals were informed by real-world examples of practical challenges and solutions that had worked well in States that had adopted them.

As members of Congress who worked on, supported, and helped pass the NVRA, Amici are keenly aware of these complex considerations and offer two points to inform this Court’s resolution of this case.

*First*, the NVRA generally prohibits systematic voter-roll maintenance and purges during the 90 days preceding a Federal election (the “90-Day Quiet Period”), which was intended to provide broad protection for voters who might be swept up erroneously in last-minute list maintenance and risk disenfranchisement. Congress understood at the time of the NVRA’s enactment that altering voter rolls

close to an election could cause chaos, confusion, and unwarranted difficulties for voters and election officials alike. At the same time, Congress recognized the importance of accurate and up-to-date voter rolls to ensure election integrity and public confidence. Balancing these considerations, the NVRA broadly allows States to conduct systematic voter-roll maintenance throughout the year—but *not* during the 90-Day Quiet Period, when correcting mistakes might no longer be feasible. Because Arizona’s challenged law allows systematic removal of voters during the 90-Day Quiet Period based on citizenship—a category of removal that falls outside Congress’s specifically enumerated and carefully crafted exceptions—it cannot stand.

*Second*, Arizona’s challenged documentary proof of citizenship (“DPOC”) regime violates both the text and spirit of the NVRA, thwarting the law’s objective of making voter registration more uniform and accessible and imposing additional requirements on voters to register for Federal elections that go beyond the limits of the statutory text.

#### ARGUMENT

Congress crafted the NVRA against the backdrop of record-low rates of voter participation in the United States. Amici recognized that Congress could not address *every* reason for low voter turnout but could at least implement clear, uniform standards to make registering to vote in Federal elections easier and more accessible. In considering the initial version of the NVRA in 1989, Representative Al Swift, the chair of the House Administration Subcommittee on Elections, explained that,

[w]hile it is not in the power of this subcommittee to motivate people to vote, it is in the power of the subcommittee to propose legislation which makes

the participation process as accessible and secure as possible. It has been made abundantly clear that present registration procedures, as varied as they are in each of the 50 States, have created a sufficient impediment to the voting process to warrant a Federal response.

*Voter Registration: Hearing Before the Subcomm. on Elections of the H. Comm. on H. Admin.*, 101st Cong. 39 (1989) (“NVRA Hearing”).

Along with this overarching goal of increasing voter registration and participation, Congress also recognized the importance of keeping voter rolls accurate and current. These purposes are all clearly laid out in the statutory text:

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State, and local governments to implement this chapter in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.

52 U.S.C. § 20501(b).

To effectively vindicate these considerations, the enacted version of the NVRA benefited from considerable testimony about barriers to voter registration and what worked in practice to address them. Among the real-world feedback Congress received—and directly relevant to the issues before this Court—were warnings against late-stage purges and recommendations for keeping

registration applications simple to enable the success of largescale voter-registration drives.

**A. Congress mandated the 90-Day Quiet Period to guard against disenfranchisement and confusion in the immediate lead-up to Federal elections.**

Congress intended the 90-Day Quiet Period to be broadly implemented and ensure that eligible voters are not mistakenly removed from the rolls at the last minute based on flawed data or methodology. In crafting this provision, Congress balanced the law’s key objective of increasing eligible voter registrations with the need to safeguard election integrity, resulting in a compromise that allows for *individualized* removals within 90 days of Federal elections while preventing the indiscriminate application of systematic sweeps.

**1. Last-minute systematic list maintenance results in high-stakes errors and hardship for both voters and election administrators.**

The 90-Day Quiet Period requires that “[a] State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, 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).

Amici understood that the 90-Day Quiet Period was meant to provide expansive protection given the inevitable errors that occur during systematic list maintenance. The text reflects this intended scope: “[A]ny” systematic program must be completed before the 90-Day Quiet Period, and Congress referred to removal of “*ineligible voters*” broadly, not a limited subset of ineligible voters (such as those who later became ineligible after initially registering). Simply put, *all* systematic list-maintenance programs must cease during the 90 days prior to a

Federal election other than a few carefully considered exceptions enumerated in the statute. *See infra* pp. 10–11.

The expansiveness of the 90-Day Quiet Period effectuates Congress’s goal of protecting eligible voters from mistaken removal shortly before elections, when such errors are most likely to lead to disenfranchisement. As the Eleventh Circuit has explained,

[a]t most times during the election cycle, the benefits of systematic programs outweigh the costs because eligible voters who are incorrectly removed have enough time to rectify any errors. In the final days before an election, however, the calculus changes. Eligible voters removed days or weeks before Election Day will likely not be able to correct the State’s errors in time to vote.

*Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1346 (11th Cir. 2014). Congress expressly recognized in the NVRA that “the right of citizens of the United States to vote is a fundamental right,” 52 U.S.C. § 20501(a)(1)—and the 90-Day Quiet Period provides indispensable protection for that fundamental right.

It is not just voters who benefit from the NVRA’s mandated forbearance. “[R]unning a statewide election is a complicated endeavor.... [T]housands of state and local officials and volunteers must participate in a massive coordinated effort to implement the lawmakers’ policy choices on the ground before and during the election, and again in counting the votes afterwards.” *Democratic Nat’l Comm. v. Wis. State Legislature*, 592 U.S. 1039, 1043 (2020) (Kavanaugh, J., concurring). Last-minute list maintenance of a systematic nature—and the challenge of addressing the inevitable mistakes that result from such list maintenance in a compressed timeframe—would only

add to the considerable stresses of election administration.

Congress crafted the NVRA with these pragmatic concerns in mind, drawing on the experiences of States that had already implemented various voter-registration policies and strategies. In particular, the NVRA’s drafters relied heavily on the practical expertise of election administrators and other experts. During the initial consideration of the NVRA, the National Association of Secretaries of State (“NASS”)—a nonpartisan organization intimately familiar with the challenges faced by State election administrators—submitted a particularly impactful report titled “Barriers to Voting.” *NVRA Hearing, supra*, at 54–78. The NASS report recommended that

[a]ll purging should be done as soon as practicable after November general elections, so registrants will have time to return reply cards to maintain registration for the next election cycle. *Purges should never be conducted immediately before an election.*

*Id.* at 73 (emphasis added).

Congress heeded NASS’s expert guidance. The NVRA requires States to “conduct a general program that makes a reasonable effort to remove” certain ineligible voters from the rolls, 52 U.S.C. § 20507(a)(4), thus ensuring accuracy and accountability. But, as NASS wisely urged, the NVRA limits the *timing* of systematic programs, mandating that they be completed no later than 90 days prior to a Federal election, *see id.* § 20507(c)(2)(A)—at which point an eligible voter mistakenly removed from the voter rolls would likely be unable to correct the error in time to cast a ballot. The NVRA thus expects States to conduct widespread list maintenance during the months *before* the 90-Day Quiet Period

begins but restricts their ability to do so when the consequences of erroneous removal would be most insurmountable for innocent voters. As the Eleventh Circuit put it, “[t]his is why the 90 Day Provision strikes 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 disenfranchising eligible voters is the greatest.” *Arcia*, 772 F.3d at 1346.

Notably, the 90-Day Quiet Period was uncontroversial at the time of the NVRA’s passage. To illustrate, while opponents of the bill proposed several amendments during the House Administration Committee’s mark-up, none attempted to abolish or even narrow the limitation on purging voter rolls within 90 days of a Federal election. *See* H.R. Rep. No. 103-9, at 36–37 (1993). All these committee members, regardless of partisan affiliation, recognized the merits of a broad ban on eleventh-hour purges.

**2. Arizona’s challenged law does not qualify for Congress’s limited exceptions to the 90-Day Quiet Period.**

“Where Congress explicitly enumerates certain exceptions to a general prohibition, additional exceptions are not to be implied, in the absence of evidence of a contrary legislative intent.” *Andrus v. Glover Constr. Co.*, 446 U.S. 608, 616–17 (1980); *accord TRW Inc. v. Andrews*, 534 U.S. 19, 28 (2001) (“*Expressio unius est exclusion alterius*.” (citation modified)). Congress’s limited exceptions to the NVRA’s 90-Day Quiet Period were specific and carefully considered. These include allowing removals “at the request of the registrant,” “by reason of criminal conviction or mental incapacity,” or due to the registrant’s death. 52 U.S.C. § 20507(a)(3)–(4). The NVRA also allows for “correction of registration records pursuant to this chapter.” *Id.* § 20507(c)(2)(B)(ii). But *that’s it*—the NVRA

does not contemplate additional grounds for removal apart from its enumerated exceptions.

Significantly, each of these exceptions helps mitigate at least some concerns regarding largescale errors and removals. Action “at the request of the registrant,” for example, does not present a risk of mistaken removal, considering that the registrant themselves makes the request to election officials. Congress further determined that removals by reason of criminal conviction, mental incapacity, or death would not present excessive risks of mistaken removal because information about these contingencies comes from other agencies that regularly provide such information to State officials. These removals are also more targeted and thus better suited for an individualized and vetted inquiry within a short timeframe.<sup>2</sup> Moreover—and again reflecting the NVRA’s emphasis on pragmatic solutions—Congress understood that the numbers of affected individuals in the limited categories of criminal conviction, death, and mental incapacity would be smaller in practice than in other potential categories, further reducing the chance of mistaken removal.

In stark contrast, removals based on citizenship raise distinct concerns. Systematic efforts typically involve the

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<sup>2</sup> To illustrate, the NVRA outlines how, in the case of felony convictions in Federal court, United States Attorneys “shall give written notice” to the “chief State election official” and include several pieces of identifying information, including not only the offender’s name but also their “age and residence address,” “the date of entry of the judgment,” “a description of the offenses of which the offender was convicted,” and “the sentence imposed by the court.” 52 U.S.C. § 20507(g)(1)–(2). These details protect against inadvertent removal of the wrong individual. The NVRA also requires the provision of all “such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted” upon request of the election official. *Id.* § 20507(g)(3).

data-matching of long lists of suspected noncitizens with rolls containing many thousands of voters. These efforts are much less targeted, and the volume of potentially affected voters makes the risk of erroneous removal much greater. *See infra* note 5. Moreover, there was no complete, up-to-date, and reliable source of citizenship data at the time of the NVRA’s enactment to facilitate targeted removals—nor is there such a resource today. The Federal Systematic Alien Verification for Entitlements (“SAVE”) program, which is often used for systematic list-maintenance efforts, is notoriously unreliable.<sup>3</sup> The Federal government itself recognizes that the SAVE program does not provide reliable and current citizenship data.<sup>4</sup>

The persistent problem of stale and outdated data presents a significant obstacle for citizenship-based removals, especially when compared to, for example, removals based on death. A notice of death from a State vital-records agency at any point in time indicates a final and conclusive change in circumstance, providing enough information for election officials to remove a registrant from the rolls. A notice of noncitizenship at a single point in time, however, often does not accurately reflect a registrant’s *current* citizenship status, as many noncitizens later become naturalized United States citizens—and thus eligible voters—but do not have reason to update the

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<sup>3</sup> *See, e.g.*, Jasleen Singh & Spencer Reynolds, *Homeland Security’s “SAVE” Program Exacerbates Risks to Voters*, Brennan Ctr. for Just. (July 21, 2025), <https://bit.ly/4k7azRu>.

<sup>4</sup> *See, e.g.*, *Privacy Impact Assessment for the Systematic Alien Verification for Entitlements “SAVE” Program*, U.S. Dep’t of Homeland Sec. 19 (Oct. 31, 2025), <https://bit.ly/3U5SCZ8> (warning that SAVE program “may share inaccurate information with registered agencies” and “may produce inaccurate results”).

citizenship records that States often use to conduct voter-list maintenance. Put plainly, there was and still is no reliable and accurate way to systematically remove alleged noncitizens from voter rolls, underscoring the continuing importance of the 90-Day Quiet Period’s prophylactic function.

Despite the NVRA’s clear statutory text, carefully enumerated exceptions, and obvious purposes, Petitioner still claims that purging voter rolls to remove alleged noncitizens is somehow an *implied* exception to the 90-Day Quiet Period. *See* Pet’r Br. 44–46. Petitioner argues, without textual support, that the NVRA’s limitations on removing “ineligible voters” do not apply to noncitizens because “[a] noncitizen was never an ‘eligible voter’ in the first place.” *Id.* at 45. This strained reading is meritless. Congress intended “ineligible voters” to simply and plainly refer to individuals who are presently ineligible to vote—including, but not limited to, noncitizens. This Court should reject an interpretation of the NVRA that contravenes both the statute’s plain text, *see Hartford Underwriters Ins. Co. v. Union Planters Bank, N.A.*, 530 U.S. 1, 6 (2000) (“[W]e begin with the understanding that Congress says in a statute what it means and means in a statute what it says there.” (citation modified)), and its plain purposes, *see supra* pp. 7–10.

To be clear, Amici do not suggest an interpretation of the NVRA that somehow authorizes or encourages the registration of non-excepted categories of ineligible voters. As noted above, the NVRA clearly authorizes States to systematically remove such voters from registration lists at any time *other* than the 90-Day Quiet Period. *Supra* pp. 9–10. That is the balance Congress chose to strike. And there is no exception—implied or otherwise—

that allows Arizona to treat alleged noncitizens differently than these other ineligible voters.

In sum, Congress recognized that the inevitably error-prone nature of systematic list maintenance required a strong and broad counterbalance to protect voters from accidental disenfranchisement. Outside the 90-Day Quiet Period, Congress determined that affected individuals would likely still have time to correct any mistakes in their voter-registration statuses. But Congress chose to include the important 90-day safeguard to prevent the likely disenfranchisement of eligible voters due to administrative error. Arizona’s reliance on programs using flawed data (including SAVE data) to engage in systematic list maintenance even during the 90-Day Quiet Period creates precisely the administrative and practical concerns that NASS highlighted and Congress sought to prevent.<sup>5</sup>

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<sup>5</sup> Recent events in Utah confirm the wisdom of Congress’s choices. Beginning in April 2025, the State undertook “a comprehensive citizenship review of Utah’s voter registration rolls” that “involved cross-referencing more than 2 million records against the Driver License Division and/or [SAVE] program for citizenship verification.” *Citizenship Full Summary*, Off. of Lieutenant Governor (May 27, 2026), <https://bit.ly/4zNeM1A>. The State ultimately “confirmed that 99.72% of Utah’s registered voters are verifiably U.S. citizens,” finding just “27 confirmed noncitizens” and “25 ... probable noncitizens.” *Id.* But the State also identified “5,007 registrants whose citizenship status [it was] unable to confirm, many of whom registered to vote years before driver license or Social Security numbers were required,” *id.*—meaning significantly more voters than confirmed or probable noncitizens would be swept up in a less-discriminate dragnet of merely *alleged* noncitizens. See Nick Corasaniti, *From 16,000 to 185 to Zero: Trump’s Claims of Illegal Voting in Nevada Fizzle.*, N.Y. Times (Sept. 24, 2026), <https://bit.ly/488S33S> (detailing results of Nevada’s investigation of alleged noncitizen voters).

**B. The NVRA does not allow Arizona to impose a DPOC requirement for voters to register for Federal elections.**

Congress’s balance between increasing opportunities for eligible voters and ensuring election integrity is further manifested in 52 U.S.C. §§ 20505 and 20508, which foreclose the additional burden of Arizona’s challenged DPOC requirement.

Congress drafted the mail-registration provision of the NVRA to promote uniformity. NASS’s “Barriers to Voting” report—one of the key documents that informed the drafting of the NVRA—explained that “[t]he depressed level of voter turnout in the United States is directly attributable to the haphazard systems of requirements for citizens to register to vote in the 50 states” and thus emphasized the need “to provide a comprehensive, uniformly accessible voter registration program for the nation.” *NVRA Hearing, supra*, at 55 (citation modified).

To that end, the NVRA established a universal Federal form and further allows States to “develop and use [] mail voter registration form[s] that meet[] all of the criteria” established for the Federal form. 52 U.S.C. § 20505(a)(2); *see id.* § 20508(b). These forms must be “available for distribution through governmental and private entities, *with particular emphasis on making them available for organized voter registration programs*,” *id.* § 20505(b) (emphasis added)—reflecting Congress’s objective of facilitating largescale voter-registration drives nationwide and promoting greater civic participation. The mail registrations forms were envisioned to be a simple mechanism for voter registration that could easily be mailed back without an envelope. In fact, members of Congress regularly referred to the Federal form as “postcard registration” because the goal was to “make registering to vote as easy as mailing a postcard.” 139 Cong.

Rec. 2436 (1993) (Representative Martin Frost explaining that “[his] own State of Texas has utilized mail-in, postcard registration for 21 years,” a “form of voter registration [that] has been highly successful”); *see id.* at 2446 (Representative Swift explaining that NVRA “provide[s] postcard registration, which is particularly useful to [] disabled” individuals who might not have driver’s licenses and “is a technique which is currently used by 28 States”).

Any *additional* registration hurdles beyond what Congress contemplated, including DPOC requirements, thwart the NVRA’s objective of making voter registration uniform and accessible. Federal and derivative State mail-registration forms “may require only such” information “as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process” and “may not include any requirement for notarization or other formal authentication.” *Id.* § 20508(b)(1), (3). This reflects another careful balance struck by Congress when crafting the NVRA: States should have the information “*necessary*” to assess eligibility and administer elections but, to keep voter registration easy and accessible, should require “*only*” what is necessary and not more. Indeed, the NASS report specifically recognized and recommended against other burdensome voter-registration obstacles: notarization and witness requirements. *See NVRA Hearing, supra*, at 65 (recommending “[n]o witness requirement” and that “[c]ompleted registration forms do not need to be notarized or witnessed,” explaining that this would “remove[] an enormously inconvenient and archaic burden from the registrant”).

Notably, Congress grappled with the DPOC issue in 1993 when evaluating burdens on registration. Conferees

tasked with reconciling differences in the House and Senate versions of the NVRA made a conscious choice to *delete* a provision that would have explicitly authorized States to require DPOC for voter registration. The Senate had proposed an amendment that would specifically “[p]rovide[] that nothing in [the NVRA] shall prevent a State from requiring presentation of documentation relating to citizenship of an applicant for voter registration.” H.R. Conf. Rep. No. 103-66, at 23 (1993). The conference committee, however, “agree[d] with the House bill and d[id] not include this provision from the Senate amendment” because it was “not necessary or consistent with the purposes of” the NVRA and there was “concern that it could be interpreted by States to permit registration requirements that could effectively eliminate, or seriously interfere with, the mail registration program of the Act. It could also adversely affect the administration of the other registration programs as well.” *Id.*

Instead, Congress relied on the NVRA’s attestation requirements, which were “sufficient to deter fraudulent registrations.” H.R. Rep. No. 103-9, at 114; *see Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 4–5 (2013) (“The Federal Form ... does not require documentary evidence of citizenship; rather, it requires only that an applicant aver, under penalty of perjury, that he is a citizen.”). This ultimate determination reflected Congress’s established custom: “Congress has historically relied on an attestation requirement ‘under penalty of perjury’ as a gate-keeping requirement for access to a wide variety of important federal benefits.” *Fish v. Kobach*, 840 F.3d 710, 737 (10th Cir. 2016) (listing examples of other Federal statutes that rely on attestations under penalty of perjury).

Any departure from Congress’s intentionally limited requirements is inconsistent with the NVRA’s explicit description of what the Federal form and derivative State forms must include—and what they cannot. Allowing Arizona to impose a DPOC requirement to register for Federal elections with a State mail form would impose a considerable burden in practice that would not merely undermine the NVRA’s purpose (by making it unnecessarily difficult to register to vote) but also violate the statute’s clear instructions for what registration forms must and must not include for Federal elections.

\* \* \*

The members of Congress who drafted and supported the NVRA worked diligently with their staffs and other stakeholders to create a comprehensive bill that would increase voter registration while safeguarding election integrity. As Representative Pelosi noted while speaking on the House floor in support of the NVRA in 1993, this landmark legislation was intended to “strengthen the voice of our citizens and help rejuvenate our system of representative democracy.” 139 Cong. Rec. 2438 (1993) (citation modified). Amici are proud of the NVRA’s successes, including bringing about a significant increase in the registration of eligible voters and enhancing civic engagement and participation.<sup>6</sup>

Though future Congresses might choose to pursue voting legislation that balances the NVRA’s priorities differently, any such change must be the result of legislative action—not judicial rewriting of a law that has been on the

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<sup>6</sup> See, e.g., J. Mijin Cha, *Registering Millions: The Success and Potential of the National Voter Registration Act at 20*, Demos (May 20, 2013), <https://bit.ly/4i5Xnv3> (finding that “the NVRA helps millions of eligible voters register” and, “[i]n particular, ... has helped bring millions of low-income voters into the political process”).

books for more than three decades. After all, “Congress alone has the institutional competence, democratic legitimacy, and (most importantly) constitutional authority to revise statutes in light of new social problems and preferences.” *Wis. Cent. Ltd. v. United States*, 585 U.S. 274, 284 (2018).

#### CONCLUSION

The judgment of the Ninth Circuit should be affirmed.

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