

IN THE
Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,
Applicants,
v.
CALIFORNIA, ET AL.,
Respondents.

STATE OF ALABAMA, ET AL.,
Applicants,
v.
CALIFORNIA, ET AL.,
Respondents.

On Application for Stay of the Injunction Issued by the United States District Court
for the District of Massachusetts and Request for Administrative Stay

**BRIEF OF ASIAN LAW CAUCUS, ASIAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND, ASIAN AMERICANS ADVANCING JUSTICE –
ATLANTA, MISSOURI VOTER PROTECTION COALITION, SOUTH ASIAN
AMERICAN JUSTICE COLLABORATIVE, COMMON CAUSE, ET AL.
AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS**

RONAK PATEL
NIJI JAIN
Asian American Legal Defense and
Education Fund
99 Hudson Street, 12th Floor
New York, NY
rpatel@aaldef.org
njain@aaldef.org

KIMBERLY LEUNG
Counsel of Record
EILEEN MA
DEANNA KITAMURA
WINIFRED KAO
Asian Law Caucus
55 Columbus Ave
San Francisco, CA 94111
kimberlyl@asianlawcaucus.org
eileenm@asianlawcaucus.org
deannak@asianlawcaucus.org
winifredk@asianlawcaucus.org
415-896-1701

Counsel for Amici Curiae

ALEXANDRA M. SMOLYAR
MEREDYTH L. YOON
SAMANTHA C. HAMILTON
Asian Americans Advancing Justice-
Atlanta
5680 Oakbrook Parkway, Suite 148
Norcross, GA 30093
asmolyar@advancingjustice-atlanta.org
myoon@advancingjustice-atlanta.org
shamilton@advancingjustice-atlanta.org

KALPANA V. PEDDIBHOTLA
VIJAYASARADHI V. BONDADA
South Asian American Justice
Collaborative
333 W. San Carlos Street, Suite 600
San Jose, CA 95110
kalpana@saajco.org
vijay.bondada@saajco.org

DENISE D. LIEBERMAN
Missouri Voter Protection Coalition
6047 Waterman Blvd.,
Saint Louis, MO 63112
(314) 780-1833
denise@movpc.org

OMAR H. NOURELDIN
MARYAM JAZINI DORCHEH
COMMON CAUSE
805 15th St. NW
Suite 800
Washington, DC 20005
(202) 833-1200
onourelidin@commoncause.org
mjazini@commoncause.org

Additional Counsel for Amici Curiae

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Cases	
<i>California v. Trump</i> , --- F.4th ---, 2026 WL 2144084 (1st Cir. Jul. 25, 2026)	6, 8, 9
<i>DSCC v. Trump</i> , No. 1:26-cv-01114 (D.D.C. 2026)	15, 16, 24
<i>Little v. Reclaim Idaho</i> , 591 U.S. 1060 (2020)	6
<i>Nken v. Holder</i> , 556 U.S. 418 (2009).2F	6
<i>Reynolds v. Sims</i> , 377 U.S. 533 (1964)	7
<i>Yick Wo v. Hopkins</i> , 118 U.S. 356 (1886).	6
Other Authorities	
Abby Budiman, Jeffrey S. Passel & Carlyne Im, <i>Key Facts About Asian American Eligible Voters in 2024</i> , Pew Rsch. Ctr. (Jan. 10, 2024), https://www.pewresearch.org/short-reads/2024/01/10/key-facts-about-asian-american-eligible-voters-in-2024/	13
Alexa Ura, <i>Texas Will End Its Botched Voter Citizenship Review and rescind its list of flagged voters</i> , Tex. Trib. (Apr. 26, 2019), https://www.texastribune.org/2019/04/26/texas-voting-rights-groups-win-settlement-secretary-of-state/	12
American Postal Workers Union Comments on Proposed Rule: Ballot Mail for Federal Election (Jun. 29, 2026), https://www.savethepostoffice.com/wp-content/uploads/2026/07/Comments-on-USPS-ballot-mail-proposal.pdf	23
Andrew Cohen, <i>Rep. John Lewis: 'Make Some Noise' on New Voting Restrictions</i> , THE ATLANTIC, (Aug. 26, 2012), https://www.theatlantic.com/politics/archive/2012/08/rep-john-lewis-make-some-noise-on-new-voting-restrictions/261549/	7

Asian Law Caucus, California Common Cause, & PANA, <i>Forging Ahead: Community Voices and the Impact of Language Access in the Electoral Process</i> , https://cdn.craft.cloud/5cd1c590-65ba-4ad2-a52c-b55e67f8f04b/assets/media/Programs/Voting-Rights/Forging-Ahead-Community-Voices-and-the-Impact-of-Language-Access-in-the-Electoral-Process.pdf	20
Bipartisan Policy Ctr., <i>BPC Public Comment on USPS Proposed Rule on Ballot Mail for Federal Elections</i> (Jul. 2, 2026), https://bipartisanpolicy.org/wp-content/uploads/2026/07/BPC-Ballot-Mail-for-Federal-Elections-Public-Comment.pdf	23
Brennan Ctr. for Just., <i>New State Voting Laws: Barriers to the Ballot?</i> , (Sept. 8, 2011), https://www.brennancenter.org/our-work/research-reports/new-state-voting-laws-barriers-ballot	16
Bright Line Watch, <i>The Persistence of Diminished Democracy in a Second Trump Presidency</i> , https://brightlinewatch.org/the-persistence-of-diminished-democracy-in-a-second-trump-presidency/ (last visited July 31, 2026)	24
California Secretary of State, <i>Historical Vote-By-Mail (Absentee) Ballot Use in California</i> , WWW.SOS.CA.GOV, (last visited August 1, 2026) https://www.sos.ca.gov/elections/historical-absentee	6
Computer Matching Agreement Between the Dep’t of Health & Human Servs., Ctrs. for Medicare & Medicaid Servs., & the Soc. Sec. Admin. for Determining Enrollment or Eligibility for Insurance Affordability Programs Under the Patient Protection and Affordable Care Act, CMS No. 2021-12, HHS No. 2008, SSA No. 1097, at 16 (Mar. 9, 2021)	9
Congressional Black Caucus Foundation, <i>Ensuring Citizenship Verification and Integrity in Federal Elections</i> , at 4 (Mar. 31, 2026), https://www.cbcfinc.org/wp-content/uploads/2026/04/Ensuring-Citizenship-Verification-and-Integrity-in-Federal-Elections-.pdf	16
Delano Massey, <i>Exclusive: New poll finds most Americans fear civil war and democratic decline</i> , Axios (Nov. 18, 2025), https://www.axios.com/2025/11/18/americans-fear-civil-war-poll	24
Derek Hill, Madison Coleman & Erica Bassett, <i>Disenfranchisement and Suppression of Black Voters in the United States</i> , Ballard Ctr. (Summer 2021), https://ballardbrief.byu.edu/issue-briefs/disenfranchisement-and-suppression-of-black-voters-in-the-united-states	16

Devon Hesano, <i>How ID Requirements Harm Marginalized Communities and Their Right to Vote</i> , Democracy Docket (Nov. 16, 2023), https://www.democracydocket.com/analysis/how-id-requirements-harm-marginalized-communities-and-their-right-to-vote/	16
Gréta Bedekovics & Sydney Bryant, <i>The SAVE Act: Overview and Facts</i> , Ctr. for Am. Progress (Jan. 31, 2025, last updated Feb 3. 2026), https://www.americanprogress.org/article/the-save-act-overview-and-facts/	15
Center on Budget and Policy Priorities, <i>Trump Administration’s Legally Dubious Misuse of Social Security Data Risks Disenfranchising Eligible Voters</i> , WWW.CBPP.ORG , (Dec. 9, 2025), https://www.cbpp.org/blog/trump-administrations-legally-dubious-misuse-of-social-security-data-risks-disenfranchising	10
Jen Fifield & Zach Despart, <i>A Federal Tool to Check Voter Citizenship Keeps Making Mistakes. It led to confusion in Texas</i> , Tex. Trib./ProPublica (Feb. 13, 2026), https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/	11
Jess Davidson, American Association of People with Disabilities Responds to Executive Order Threatening Vote by Mail, AAPD (Apr. 2, 2026), https://www.aapd.com/trump-vote-by-mail-eo-statement/	21
Karthick Ramakrishnan et al., <i>By the Numbers: Immigration, AAPI Data Guide on Timely Policy Issues</i> , AAPI Data, (Jan. 9, 2025), https://aapidata.com/featured/by-the-numbers-immigration/#naturalizations	13
Katherine Schaeffer, <i>1 in 10 Eligible Voters in the U.S. are Naturalized Citizens</i> , Pew Rsch Ctr. (Sept. 19, 2024), https://www.pewresearch.org/short-reads/2024/09/19/1-in-10-eligible-voters-in-the-u-s-are-naturalized-citizens/	13
Kevin T. Morris, <i>Voter Purge Rates Remain High, Analysis Finds</i> (Aug. 1, 2019), https://www.brennancenter.org/our-work/analysis-opinion/voter-purge-rates-remain-high-analysis-finds	14

Kevin T. Morris & Cora Henry, <i>Millions of Americans Don't Have Documents Proving Their Citizenship Readily Available</i> , Brennan Ctr. (June 11, 2024), https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily	15
Letter from Nancy Morales Gonzalez, Assoc. Gen. Counsel for Gen. Law, Div. 1, Soc. Sec. Admin., to Jon Sherman, Litig. Dir. & Senior Counsel, Fair Elections Ctr. (July 13, 2023), https://fairelectionscenter.org/wp-content/uploads/2025/07/SSA-Touhy-Decision-letter.July-13-2023-signed.pdf	10
Letter from SSA Off. Of Gen. Counsel to Fair Elections Ctr. (July 13, 2023), https://perma.cc/KS2N-U2UShttps://perma.cc/KS2N-U2US	10
Lisa Schur & Douglas Kruse, <i>Disability and Voter Turnout in the 2020 Elections</i> , Rutgers Disability Vote Summit (2021), www.ndrn.org/wp-content/uploads/2021/09/Rutgers-Disability-Vote-Summit-Slides.pdf	21
Lisa Schur, Douglas Kruse, and Mason Ameri, <i>Disability and Voter Turnout in the 2022 Elections (Supplemental Analysis of Census Voter Turnout Data)</i> , Election Assistance Commission and Rutgers University, pp. 5-6 (2023), www.eac.gov/sites/default/files/2023-07/EAC_2023_Rutgers_Report_Supplement_FINAL.pdf	21-22
Matt Barreto et al., <i>California Voter's Choice Act: Language Access During the November 2020 General Election</i> , UCLA Voting Rights Project, at 3 (May 2022), https://elections.cdn.sos.ca.gov/vca/2020-vca-report/appendix-b2-ucla-general.pdf	20
Nat'l Conf. of State Legislatures, <i>Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options</i> , Table 2: Excuses to Vote Absentee (June 3, 2026), https://www.ncsl.org/elections-and-campaigns/table-2-excuses-to-vote-absentee	21
Nicholas Kerr & Elise Spenner, <i>System that DHS is Urging States to Use to Assess Voter Rolls Known to Return Faulty Results: Reports</i> , ABC News (July 19, 2026), https://abcnews.com/Politics/system-dhs-urging-states-assess-voter-rolls-return/story?id=134863557	12
Nick Papadopoulos, <i>Voting By Mail is My Lifeline: Voter With Disability Shares Importance of Mail-in Voting</i> , ACLU (June 3, 2026), www.aclu.org/news/voting-rights/voting-by-mail-is-my-lifeline-voter-with-disability-shares-importance-of-mail-in-voting	22

<i>The Potential Impact of Voter Identification Laws on Transgender Voters in the 2024 General Election</i> , Williams Inst. (Sept. 2024), https://williamsinstitute.law.ucla.edu/publications/trans-voter-id-impact/	15
PRRI, <i>Survey: As the Nation Marks 250th Birthday, Seven in Ten Americans Believe Democratic Freedoms Are in Danger</i> (June 17, 2026), https://prri.org/press-release/survey-as-the-nation-marks-250th-birthday-seven-in-ten-americans-believe-democratic-freedoms-are-in-danger/	24
R. Michael Alvarez & Yimeng Li, <i>Universal Mail Ballot Delivery Boosts Turnout: The Causal Effects of Sending Mail Ballots to All Registered Voters</i> , 88 J. Pol. https://www.journals.uchicago.edu/doi/epdf/10.1086/736867	1718
Simrun Singh & Katherine Fallon, <i>Housing Instability Is a Critical Barrier to Voting Access</i> , Urb. Inst.: Hous. Matters (Oct. 23, 2024), https://housingmatters.urban.org/articles/housing-instability-critical-barrier-voting-access	23
State United Democracy Center, <i>Nearly 1 in 3 Americans Voted by Mail in 2024</i> , WWW.STATESUNITED.ORG, (updated April 13, 2026), https://statesunited.org/resources/americans-vote-by-mail-2024/	6, 17
<i>Table 18: States With Mostly Mail Elections</i> , Nat'l Conf. of State Legislatures (Apr. 6, 2026), https://www.ncsl.org/elections-and-campaigns/table-18-states-with-all-mail-elections	18
U.S. Census Bureau, 2024 Current Population Survey, Voting and Registration Supplement, "Table 4a: Reported Voting and Registration of the Total Voting-Age Population, for States: November 2024," https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-587.html	18
U.S. Census Bureau, American Community Survey 2024 (5-Year Estimates), Public Use Microdata Sample, https://data.census.gov/app/mdat	21
U.S. Census Bureau, <i>United States Migration/Geographic Mobility at a Glance: American Community Survey 1-Year Estimates</i> (Sept. 16, 2025), https://www.census.gov/topics/population/migration/guidance/acs-1yr.html	23

U.S. Census Bureau, <i>Voting and Registration in the Election of November 2024</i> , Table 14: Method of Voting, by Selected Characteristics: November 2024 (Apr. 2025), https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-587.html	18
U.S. Dep’t of Homeland Sec., <i>Privacy Impact Assessment for the Systematic Alien Verification for Entitlements “SAVE” Program</i> at 19 (Oct. 31, 2025), https://www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf	9
U.S. Vote Found., <i>Closing the Gap on Voters with Disabilities - Updated for 2024</i> , https://www.usvotefoundation.org/closing-gap-voters-disabilities-updated-2024 (last visited Aug. 1, 2026)	21
USC Price Ctr. for Inclusive Democracy, <i>California’s 2024 General Election: Voting Methods and Early Voting</i> , at 9 (July 2025), https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/688dbdfd4a08101ae3691d8f/1754119684629/USC_CID_VotingMethods_Report_Final.pdf	19
USCIS, <i>Immigration and Citizenship Data</i> , Application Processing Data reports, https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data?topic_id%5B%5D=33692&ddt_mon=&ddt_yr=&query=&items_per_page=50	10
<i>Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options</i> , Nat’l Conf. of State Legislatures (updated Aug. 1, 2025), https://www.ncsl.org/elections-and-campaigns/voting-outside-the-polling-place	17
Wendy R. Weiser, <i>Testimony Before Congress Regarding the EAC</i> , Brennan Ctr. for Justice (Feb. 27, 2008), https://www.brennancenter.org/our-work/research-reports/testimony-congress-regarding-eac	14

INTEREST OF *AMICI CURIAE*¹

Asian American Legal Defense and Education Fund (“AALDEF”) is a national legal organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF focuses on critical issues affecting Asian Americans, including the right to access and cast an effective ballot and receive fair representation. AALDEF has litigated cases seeking to protect the ability of Asian Americans to elect candidates of their choice, *e.g.*, *New York Cmty. for Change v. County of Nassau*, No. 602316/2024 (Sup. Ct. Nassau Cnty. Feb. 7, 2024); *League of United Latin Am. Citizens v. Abbott*, No. 3:21-cv-00259 (W.D. Tex. Oct. 18, 2021); *Favors v. Cuomo*, 881 F. Supp. 2d 356 (E.D.N.Y. 2012), and to ensure that limited English proficiency Asian American voters have an equal opportunity to participate in our democracy, *e.g.*, *OCA-Greater Houston v. Texas*, 867 F.3d 604 (5th Cir. 2017); *Detroit Action v. City of Hamtramck*, No. 2:21-cv-11315 (E.D. Mich. June 3, 2021); *Alliance of South Asian Am. Labor v. Board of Elections in the City of N.Y.*, No. 1:13-cv-03732 (E.D.N.Y. July 2, 2013). Each year, AALDEF also monitors elections alongside local community partners across multiple states, ensuring compliance with state and federal law and documenting obstacles Asian American voters face in the voting process.

Asian Law Caucus (“ALC”) is the nation’s first legal and civil rights organization serving low-income, immigrant, and underserved Asian American and

¹ No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *amici*, their members, or counsel made such a monetary contribution.

Pacific Islander communities. ALC brings together impact litigation, direct legal services, community empowerment, and policy advocacy to fight for immigrant justice, economic security, and a stronger, multiracial democracy. In the voting rights context, ALC advocates to advance voting for AAPI voters and other historically disenfranchised groups. Before major elections, ALC conducts Know Your Voting Rights workshops for community partners and their members and creates translated voting related factsheets. ALC also has one of the largest nonpartisan poll observation projects in California to ensure eligible voters are not turned away from the polls. During the November 2025 election, ALC observed polls in 26 counties across northern and central California. ALC has also co-sponsored election-related bills (*See, e.g.*, Assemb. B. 453, 2023-2024 Leg., Reg. Sess. (Cal. 2024) and Assemb. B. 884, 2023-2024 Leg., Reg. Sess. (Cal. 2024) (vetoed Sept. 2024)) and regularly litigates voting rights cases. (*See, e.g., In re Georgia Senate Bill 202*, No. 1:21-MI-55555 (N.D. Ga. 2021)); *Asian Americans Advancing Justice - Los Angeles v. Padilla*, 41 Cal. App. 5th 850 (2019). ALC is applying to appear as co-counsel for Plaintiffs on *NAACP v. Trump*, No. 1:26-cv-01151 (D.D.C. 2026), challenging Executive Order 14399.

Asian Americans Advancing Justice – Atlanta (“Advancing Justice - Atlanta”) is the first nonprofit legal advocacy organization dedicated to advancing the civil rights of Asian Americans, Native Hawaiian, Pacific Islander (“AANHPI”), Arab, Middle Eastern, Muslim, and South Asian (“AMEMSA”), and immigrant communities in Georgia and the Southeast. Advancing Justice – Atlanta builds power

within communities through direct services, impact litigation, policy advocacy, and community engagement. Advancing Justice - Atlanta's nonpartisan voting rights work includes litigation to protect access to the ballot and combat voter disenfranchisement, and robust civic engagement programs, such as voter registration, get out the vote (“GOTV”), and election protection activities.

Missouri Voter Protection Coalition (MOVPC) is a nonpartisan statewide coalition dedicated to advancing free, fair, and accessible voting and strengthening democratic participation through voter engagement, policy advocacy, strategic litigation and running Missouri’s nonpartisan Election Protection program. A core focus of MOVPC’s work is safeguarding all available voting options for Missouri voters, including the right to cast a ballot by mail. MOVPC’s work is focused on eliminating voting barriers for marginalized and unrepresented communities, particularly communities of color, low-wage workers, young voters, seniors, voters with disabilities, new American citizens and language minorities.

South Asian American Justice Collaborative (SAAJCO) is a national nonprofit organization that fights for the civil and human rights of the South Asian diaspora in the United States through legal advocacy, community engagement, and narrative power. South Asian communities include substantial numbers of naturalized citizens and voters with limited English proficiency who may be particularly affected by unreliable citizenship data, confusion regarding documentation requirements, and restrictions on voting by mail. SAAJCO has a strong interest in ensuring that eligible voters are not disenfranchised or deterred

from participating in the democratic process by the requirements of Executive Order 14399.

Common Cause is a nonpartisan, grassroots organization dedicated to fair elections, due process, and ensuring that government at all levels is more democratic and responsive to the interests of the people. Founded by John Gardner in 1970 as a “citizens’ lobby,” Common Cause has nearly 1 million members nationwide and staff in 22 states plus in the District of Columbia. Common Cause has assisted with voter registration, encouraged voting, and advocated for policies at the federal, state, and local levels that would make participation in our democracy more accessible and convenient.

Additional amici curiae are diverse civil rights organizations, direct service providers, civic engagement groups, policy advocacy and legal organizations that work with and among underserved and underrepresented communities, and advocate for the rights and empowerment of individuals and their communities. Many have worked for decades to increase civic participation among their constituents, including by conducting voter outreach and education to promote voter registration and voter turn-out. Many provide assistance to help voters overcome barriers to voting, such as inadequate language access, disability access challenges, and trouble navigating elections systems. See Appendix for full list.

CORPORATE DISCLOSURE STATEMENT

None of the amici have a direct financial interest in the outcome of the case.

No amicus has a parent corporation, and no publicly held corporation owns 10% or more of the stock of any amicus.

INTRODUCTION AND SUMMARY OF ARGUMENT

The right to vote is a “fundamental political right, because [it is] preservative of all rights.” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886). Executive Order 14399 (the “EO”) interferes with that sacrosanct right for millions of Americans across the nation.² Amici write to underscore the direct harms Sections 2 and 3 of the EO pose to voters, which pertain to the balance of equities this Court should consider in evaluating the requested stay. *Little v. Reclaim Idaho*, 591 U.S. 1060, 1061-63 (2020). These harms to non-parties—here, American voters at-large and identifiable groups—are relevant in weighing the equities and the public interest, a factor in considering a stay under *Nken v. Holder*, 556 U.S. 418, 426 (2009).³

Specifically, as the Federal Government itself has acknowledged, the citizenship data on which the lists contemplated by Section 2 of the EO rely, is necessarily incomplete and inaccurate. Those structural gaps and inaccuracies jeopardize the franchise of all eligible voters, particularly new voters (naturalized citizens), voters with limited English proficiency, those with non-Anglo or unconventional names, and historically disenfranchised groups.

The restrictions set out in Section 3 of the EO also threaten to disenfranchise millions of eligible voters who rely on mail-in ballots—among them naturalized

² State United Democracy Center, *Nearly 1 in 3 Americans Voted by Mail in 2024*, WWW.STATESUNITED.ORG, (updated April 13, 2026), <https://statesunited.org/resources/americans-vote-by-mail-2024/>, (estimating more than 48 million were cast by mail in 2024); California Secretary of State, *Historical Vote-By-Mail (Absentee) Ballot Use in California*, WWW.SOS.CA.GOV, (last visited August 1, 2026) <https://www.sos.ca.gov/elections/historical-absentee>. (showing in 2024 7.7 million mail ballot voters in California alone).

³ The First Circuit noted, “[w]hen assessing the fourth factor, we consider the interests of the public in general, including American voters, not just the interests of the parties.” *California v. Trump*, --- F.4th ---, 2026 WL 2144084, at *4 (1st Cir. July 25, 2026) (cleaned up).

citizens, voters with limited English proficiency, elderly voters, and voters with disabilities.

Additionally, the EO's threat to disenfranchise millions of voters has already created confusion and challenges for communities seeking to exercise their most essential right to vote. The uncertainty surrounding the EO's implementation compounds the upheaval and fear communities feel and chills democratic participation.

Given these concrete harms, the balance of equities clearly weighs against a stay of the injunction on the EO. "The right to vote freely for the candidate of one's choice is of the essence of a democratic society," and the Constitution protects that right in the face of attempts to deny or restrict it. *Reynolds v. Sims*, 377 U.S. 533, 554-55 (1964). The civil rights leader John Lewis reaffirmed this principle: "To make it hard, to make it difficult almost impossible for people to cast a vote is not in keeping with the democratic process."⁴ We urge the Court to take heed and reject the stay.

⁴ Andrew Cohen, *Rep. John Lewis: 'Make Some Noise' on New Voting Restrictions*, THE ATLANTIC, (Aug. 26, 2012), <https://www.theatlantic.com/politics/archive/2012/08/rep-john-lewis-make-some-noise-on-new-voting-restrictions/261549/>.

ARGUMENT

I. FEDERALLY-COMPILED “STATE CITIZENSHIP LISTS” WILL ERRONEOUSLY OMIT AND MISCLASSIFY SUBSTANTIAL NUMBERS OF ELIGIBLE VOTERS FROM MULTIPLE IDENTIFIABLE COMMUNITIES.

Section 2 of the Executive Order directs the Department of Homeland Security to compile, from existing federal records, “State Citizenship List[s]” of individuals confirmed to be United States citizens, for use by state election officials in assessing voter eligibility. The premise animating this exercise—that DHS’s records can accurately sort the populace into confirmed citizens and everyone else—does not comport with the Federal Government’s own record here, or with the operational history of the very data infrastructure on which the EO relies.

As the First Circuit noted, and the Federal Government did not dispute, “any list [DHS] compiled under Section 2(a) would ‘necessarily be incomplete,’ based on the limitations of its own records, meaning that some citizens who were eligible to vote in a particular state nevertheless would be missing from the list.”⁵ That is not a hypothetical risk to be sorted out later in the deliberative process the Solicitor General describes.⁶ It is a conceded, structural shortcoming of the lists themselves, that will fall hardest on identifiable groups of eligible voters—not at random.

This asymmetry matters to the equities. An administrative stay would not preserve the status quo while the courts sort out the EO’s legality; it would authorize the government to begin transmitting and acting on lists that DHS itself has

⁵ *California v. Trump*, 2026 WL 2144084 (1st Cir. Jul. 25, 2026), at *3.

⁶ Application for Stay (consider adding case name, no., date).

acknowledged will be incomplete, with no established process to ensure that affected voters can timely correct errors, if needed.⁷

DHS's October 2025 Privacy Impact Assessment for the Systematic Alien Verification Entitlements (SAVE) system—the database infrastructure DHS uses to compile citizenship information for exactly this kind of list among other purposes — acknowledges that “due to misspelling of names, transposed numbers, or incomplete information,” the system “may produce inaccurate” results, a risk the agency states it can only partially mitigate.⁸

A. The EO relies on flawed and incomplete databases that have a track record of misclassifying naturalized citizens as non-citizens.

Naturalized citizens are impacted by the EO because the federal agency data on which the State Citizenship Lists would be based are incomplete and inaccurate. The SSA itself has acknowledged it does not maintain citizenship data for all citizens.⁹ The SSA records typically capture a person’s citizenship status or residence at the time they applied for a Social Security number, and records are not

⁷ *California v. Trump*, No. 26-1774, 2026 WL 2144084, at *3 (1st Cir. Jul. 25, 2026) (“the Government conceded that any list it compiled under Section 2(a) would ‘necessarily be incomplete,’ based on the limitations of its own records”).

⁸ U.S. Dep’t of Homeland Sec., *Privacy Impact Assessment for the Systematic Alien Verification for Entitlements “SAVE” Program* at 19 (Oct. 31, 2025), <https://www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf>.

⁹ Computer Matching Agreement Between the Dep’t of Health & Human Servs., Ctrs. for Medicare & Medicaid Servs., & the Soc. Sec. Admin. for Determining Enrollment or Eligibility for Insurance Affordability Programs Under the Patient Protection and Affordable Care Act, CMS No. 2021-12, HHS No. 2008, SSA No. 1097, at 16 (Mar. 9, 2021), [https://www.ssa.gov/privacy/cma/CMS%20SSA%20CMA%20Re-establishment.ACA%202008.Final.Signed%20by%20DIBs%209.29.20%20\(002\).pdf](https://www.ssa.gov/privacy/cma/CMS%20SSA%20CMA%20Re-establishment.ACA%202008.Final.Signed%20by%20DIBs%209.29.20%20(002).pdf).

automatically updated to reflect naturalization.¹⁰ In August 2020, the SSA estimated that approximately one-quarter of its records lack information on citizenship.¹¹ As for the citizenship information it does have, the SSA has acknowledged that those records only represent a snapshot in time.¹² As a result, SSA records for such individuals may not reflect their current, updated citizenship status, but a prior immigration status.¹³

Moreover, because Section 2(a) directs DHS to transmit State Citizenship Lists to each State no fewer than sixty days before the election—that is, by early September for the November 2026 election—any citizen naturalized after the list is compiled will, by the EO’s own terms, be categorically excluded from it. Hundreds of thousands¹⁴ of individuals who naturalize nationwide each year are likely to be missing from the federally-compiled lists and subjected to voting barriers.

This is not merely a historical concern. The SAVE infrastructure draws on SSA data.¹⁵ A February 2026 investigation by ProPublica and *The Texas Tribune*

¹⁰ SSA did not consistently retain citizenship data until 1981. Center on Budget and Policy Priorities, *Trump Administration’s Legally Dubious Misuse of Social Security Data Risks Disenfranchising Eligible Voters*, WWW.CBPP.ORG, (Dec. 9, 2025), <https://www.cbpp.org/blog/trump-administrations-legally-dubious-misuse-of-social-security-data-risks-disenfranchising>; Letter from SSA Off. Of Gen. Counsel to Fair Elections Ctr. (July 13, 2023), <https://perma.cc/KS2N-U2US>.

¹¹ *Id.*

¹² *Id.*

¹³ Letter from Nancy Morales Gonzalez, Assoc. Gen. Counsel for Gen. Law, Div. 1, Soc. Sec. Admin., to Jon Sherman, Litig. Dir. & Senior Counsel, Fair Elections Ctr. (July 13, 2023), <https://fairelectionscenter.org/wp-content/uploads/2025/07/SSA-Touhy-Decision-letter.July-13-2023-signed.pdf>.

¹⁴ In 2025, over 840,000 individuals were approved for naturalization. USCIS, *Immigration and Citizenship Data*, Application Processing Data reports, https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data?topic_id%5B%5D=33692&ddt_mon=&ddt_yr=&query=&items_per_page=50

¹⁵ U.S. Dep’t of Homeland Sec., *supra* note 8, at 19.

documented the real-world performance of the very SAVE infrastructure DHS uses to generate citizenship determinations, after several states began using it to screen voter rolls in late 2025. The investigation found that SAVE has made persistent, well-documented errors, primarily affecting naturalized citizens—precisely the population most likely to be impacted by erroneous citizenship determinations on the State Citizenship Lists at issue here.¹⁶

In Denton County, Texas, for example, at least 14% of voters flagged by SAVE as potential non-citizens were in fact citizens. County officials believed the true percentage of misidentified citizens was actually higher, given that some flagged voters may not have managed to respond to the proof-of-citizenship demand before the applicable deadline.¹⁷ Similarly, in Boone County, Missouri, more than half of the voters SAVE identified as non-citizens turned out to be citizens—including a man flagged despite having naturalized at a ceremony where a member of the county clerk's own staff helped him register.¹⁸ And when Utah ran roughly 71,000 voter records through SAVE as part of a comprehensive citizenship review, the system initially failed to confirm citizenship for nearly 9,000 individuals; but after manual review, county officials confirmed that more than 5,600 of those “unconfirmed”

¹⁶ Jen Fifiield & Zach Despart, *A Federal Tool to Check Voter Citizenship Keeps Making Mistakes. It led to confusion in Texas*, Tex. Trib. (Feb. 13, 2026), <https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/>.

¹⁷ *Id.*

¹⁸ *Id.*

individuals were, in fact, citizens, while only 27 records were ultimately confirmed as non-citizens.¹⁹

None of this is new. Texas abandoned a similar citizenship-verification initiative in 2019 after its methodology misidentified thousands of citizens, many of them naturalized, as ineligible to vote.²⁰ The EO now asks the same fatally flawed verification architecture to perform the same task, but worse, on a compressed timeline, for a nationwide list transmitted to every State “no fewer than sixty days” before a federal election. Thus, the Federal Government cannot credibly argue that the harm here is speculative. The Federal Government's own data establishes that erroneous omissions and misclassifications are a predictable, near-certain byproduct of the EO's implementation, not a remote contingency.

B. Identifiable groups of voters face compounding vulnerabilities due to systemic problems in the federal data used to produce the “State Citizenship Lists.”

1. *Outdated and missing data in the SAVE system will harm naturalized citizen voters, many Asian Americans and Latino-Americans.*

Naturalized citizens who would be directly impacted by the unreliable citizenship data in the SAVE system are concentrated in certain immigrant communities. Asian and Latin American immigrants make up the vast majority of naturalized U.S. citizens. Asian American communities constitute the largest share

¹⁹ Nicholas Kerr & Elise Spenner, *System that DHS is Urging States to Use to Assess Voter Rolls Known to Return Faulty Results: Reports*, ABC News (Jul. 19, 2026), <https://abcnews.com/Politics/system-dhs-urging-states-assess-voter-rolls-return/story?id=134863557>.

²⁰ Alexa Ura, *Texas Will End Its Botched Voter Citizenship Review and rescind its list of flagged voters*, Tex. Trib. (April 26, 2019), <https://www.texastribune.org/2019/04/26/texas-voting-rights-groups-win-settlement-secretary-of-state/>.

of naturalized citizens.²¹ The majority of eligible Asian American voters are naturalized citizens -- 56% are naturalized citizens, compared with 44% who are U.S.-born.²² A 2024 report found more than 8.1 million adult naturalized citizens are Hispanic, a large share of the immigrant eligible voter population.²³

2. *Voters with names that fall outside common naming conventions are vulnerable to exclusion resulting from database name-matching inaccuracies.*

Accurate name-matching in the federal database system is another predictable problem. People who have names originating in a non-Latin alphabet (i.e., Arabic, Cyrillic, Chinese, and South Asian scripts such as Devanagari) or who have dual-surnames (i.e., Spanish and Portuguese naming conventions), or other non-Anglo names, are familiar with the quotidian challenges of name recognition. Database-matching presents a similar challenge. For example, misidentifications or inaccuracies may result for voters with very common names (e.g., Grace Lee, Maria Garcia), or voters whose first, last and middle names are easily confused (e.g., Young Woo Park, Lee Bong Ahn). Additionally, the system may have difficulty matching transliterated or non-Anglicized names against federal databases built around different naming conventions. Database name-matching has a documented history of disparate failure rates correlated with race. The Brennan Center found significant

²¹ Karthick Ramakrishnan et al., *By the Numbers: Immigration, AAPI Data Guide on Timely Policy Issues*, AAPI Data, (Jan. 9, 2025), <https://aapidata.com/featured/by-the-numbers-immigration/#naturalizations>.

²² Abby Budiman, Jeffrey S. Passel & Carlyne Im, *Key Facts About Asian American Eligible Voters in 2024*, Pew Rsch. Ctr. (Jan. 10, 2024), <https://www.pewresearch.org/short-reads/2024/01/10/key-facts-about-asian-american-eligible-voters-in-2024/>.

²³ Katherine Schaeffer, *1 in 10 Eligible Voters in the U.S. are Naturalized Citizens*, Pew Rsch Ctr. (Sept. 19, 2024), <https://www.pewresearch.org/short-reads/2024/09/19/1-in-10-eligible-voters-in-the-u-s-are-naturalized-citizens/>.

racial disparities in match-failure rates in litigation challenging “no match, no vote” database-matching policies, and more recent analysis of voter-purge data found that minority voters are more likely than white voters to share common names—exposing them to a materially greater risk of erroneous purge or flagging under any matching-based verification regime.²⁴

Where a State Citizenship List is generated by matching federal records under a citizen's current legal name against SSA and other records that may still reflect a prior name, that mismatch will produce exactly the kind of erroneous non-match the government's own SAVE Privacy Impact Assessment warns of—not because the individual is not a citizen, but because the government's records have not caught up to a lawful, common life event. Further, correcting or changing one's name takes time and effort. For instance, in order to change the spelling of his name with the SSA, a voter in Hawaii, who is a member of the NAACP, had to petition the Office of the Hawaii Lieutenant Governor for a name change. He paid over \$320 in various fees, which included a \$50 filing fee, a \$1 archive fee, a \$5 service fee, a publication fee of \$204.19, a \$41 fee for filing the name change order with the state Bureau of Conveyances, and about \$20 to have various documents notarized. The process took approximately two months to complete. If he had not had his birth certificate, he would have had to bear the additional time and expense of obtaining it from the East

²⁴ Wendy R. Weiser, *Testimony Before Congress Regarding the EAC*, Brennan Ctr. for Justice (Feb. 27, 2008), <https://www.brennancenter.org/our-work/research-reports/testimony-congress-regarding-eac>; Kevin T. Morris, *Voter Purge Rates Remain High, Analysis Finds* (Aug. 1, 2019), <https://www.brennancenter.org/our-work/analysis-opinion/voter-purge-rates-remain-high-analysis-finds>.

Coast county in which he was born.²⁵ Given the hardships of the process, it would not be uncommon for many to encounter mismatched database records.

Database-matching verification is also known to burden individuals whose legal names do not match across government records—overwhelmingly women who have married or divorced.²⁶ Transgender individuals who have legally changed their name may also be impacted. Of the 825,100 trans people eligible to vote in the 2024 election, over 200,000 lacked identification reflecting their correct name and/or gender, an indication of name changes likely not to be reflected accurately in the EO’s data systems.²⁷

3. *Voters who lack ready access to identity or citizenship documentation are vulnerable to added burden.*

Discrepancies in the SSA and SAVE systems also subject eligible voters to additional burden and scrutiny if their records are incomplete or inaccurate. Data errors or omissions require voters to take steps to correct their records and prove or re-prove their identities or citizenship to maintain their voter eligibility. Many eligible voters may face hardships in doing so. An estimated 21.3 million American citizens of voting age lack readily available documents to prove citizenship, and a greater proportion of these are U.S. citizens of color.²⁸ Historically, anti-Black

²⁵ Decl. of Alphonso Braggs, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-2.

²⁶ Gréta Bedekovics & Sydney Bryant, *The SAVE Act: Overview and Facts*, Ctr. for Am. Progress (Jan. 31, 2025, last updated Feb 3, 2026), <https://www.americanprogress.org/article/the-save-act-overview-and-facts/> (stating 84 percent of women who marry change their surname).

²⁷ *The Potential Impact of Voter Identification Laws on Transgender Voters in the 2024 General Election*, Williams Inst. (Sept. 2024), <https://williamsinstitute.law.ucla.edu/publications/trans-voter-id-impact/>.

²⁸ Kevin T. Morris & Cora Henry, *Millions of Americans Don’t Have Documents Proving Their Citizenship Readily Available*, Brennan Ctr. (June 11, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>.

segregation and Jim Crow discrimination, and hospitals systemically denying access to Black families, left many newborns without a birth certificate.²⁹ The NAACP, the oldest and largest civil rights organization in the nation, has noted that many of its members and individuals in the communities they serve, disproportionately lack birth certificates, passports, and other documentary proof of U.S. citizenship necessary to correct an erroneous exclusion from DHS's citizenship list.³⁰ An estimated 1 in 4 Black voters lack an acceptable government issued photo ID.³¹ The EO thus creates an access barrier that falls disproportionately on Black Americans, particularly those who are elderly, who may be unaware of their ineligibility or may struggle to rectify it.³² For many, these impacts echo a recurring pattern of attempted Black voter suppression throughout U.S. history, from poll taxes to literacy tests to gerrymandering to strict voter ID requirements and other voting restrictions.³³

* * *

Taken together, these are not scattered anecdotes; they describe a predictable pattern in which the government's own chosen verification infrastructure systematically under-counts and misclassifies specific, identifiable categories of

²⁹ Devon Hesano, *How ID Requirements Harm Marginalized Communities and Their Right to Vote*, Democracy Docket (Nov. 16, 2023), <https://www.democracydocket.com/analysis/how-id-requirements-harm-marginalized-communities-and-their-right-to-vote/>.

³⁰ Decl. of Tyler Sterling on Behalf of the National Association for the Advancement of Colored People (NAACP), *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-2.

³¹ Brennan Ctr. for Just., *New State Voting Laws: Barriers to the Ballot?*, (Sept. 8, 2011), <https://www.brennancenter.org/our-work/research-reports/new-state-voting-laws-barriers-ballot>.

³² Congressional Black Caucus Foundation, *Ensuring Citizenship Verification and Integrity in Federal Elections*, at 4 (Mar. 31, 2026), <https://www.cbccfinc.org/wp-content/uploads/2026/04/Ensuring-Citizenship-Verification-and-Integrity-in-Federal-Elections-.pdf>

³³ Derek Hill, Madison Coleman & Erica Bassett, *Disenfranchisement and Suppression of Black Voters in the United States*, Ballard Ctr. (Summer 2021), <https://ballardbrief.byu.edu/issue-briefs/disenfranchisement-and-suppression-of-black-voters-in-the-united-states>.

eligible voters—naturalized citizens, racial and ethnic minorities, and women and others who have changed their legal name. An administrative stay that permits implementation of the EO before these questions are resolved authorizes concrete, foreseeable, and, in practical terms, irreversible harm to identifiable voters in the weeks before a federal election, with no realistic mechanism for correction once ballots are mailed. That reality belongs in this Court's assessment of where the equities and the public interest actually lie.

II. THE EO USPS POLICY CHANGES WOULD DISENFRANCHISE CITIZENS BY UPENDING MAIL-IN VOTING, A METHOD OF VOTING ON WHICH MILLIONS OF AMERICANS NATIONWIDE RELY IN ORDER TO EXERCISE THEIR RIGHT TO VOTE.

Tens of millions of Americans—from all backgrounds and regions of the country—use mail voting to participate in our democracy.³⁴ Two-thirds of all states, plus Washington, D.C., have “no-excuse absentee” voting, whereby any eligible voter may choose to vote by mail, or automatically send mail ballots--indicating prevalent use of this method of voting.³⁵ Universal access to mailed ballots has been found to increase turnout by 3 to 4 percentage points.³⁶ Another report gathering data from the U.S. Election Assistance Commission (EAC)’s 2024 Election Administration and Voting Survey showed that nearly one in three voters cast a ballot by mail in the last

³⁴ State United Democracy Center, *Nearly 1 in 3 Americans Voted by Mail in 2024*, WWW.STATESUNITED.ORG, (updated April 13, 2026), <https://statesunited.org/resources/americans-vote-by-mail-2024/>, (estimating more than 48 million were cast by mail in 2024).

³⁵ *Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options*, Nat’l Conf. of State Legislatures (updated Aug. 1, 2025), <https://www.ncsl.org/elections-and-campaigns/voting-outside-the-polling-place>.

³⁶ R. Michael Alvarez & Yimeng Li, *Universal Mail Ballot Delivery Boosts Turnout: The Causal Effects of Sending Mail Ballots to All Registered Voters*, 88 J. Pol. <https://www.journals.uchicago.edu/doi/epdf/10.1086/736867>.

federal election.³⁷ Eight states and Washington, D.C. currently conduct all elections by mail,³⁸ covering 44.8 million U.S. citizens or 19% of the American electorate.³⁹ Nationally, 47% of Asian American and 34% of Latine voters cast their ballots by mail in the November 2024 election.⁴⁰

Section 3 of the EO imposes extra USPS procedures on all states that intend to use mail-in voting. States are required to submit to the USPS, in advance of elections, lists of eligible mail ballot voters. Then the USPS, pursuant to the EO, provides each state with a list of individuals enrolled for mail-in voting; only voters on the USPS's list may be mailed a ballot. The USPS process for determining voter eligibility and generating such an enrollment list is unspecified but suspect. As a federal agency, SAVE is implicated, and the USPS is ill-equipped to determine eligibility and address inaccuracies. Discrepancies will certainly arise between a USPS list that is used to limit who gets a mailed ballot and the state's list of intended vote-by-mail voters. The same voters improperly flagged as non-citizens by the SAVE system in the creation of State Citizenship lists would likely be rejected by the USPS process. Prevented by the USPS from receiving their ballots in the mail, these voters will be effectively disenfranchised.

³⁷ Nearly 1 in 3 Americans Voted by Mail in 2024, *supra* note 2.

³⁸ *Table 18: States With Mostly Mail Elections*, Nat'l Conf. of State Legislatures (Apr. 6, 2026), <https://www.ncsl.org/elections-and-campaigns/table-18-states-with-all-mail-elections>.

³⁹ U.S. Census Bureau, 2024 Current Population Survey, Voting and Registration Supplement, "Table 4a: Reported Voting and Registration of the Total Voting-Age Population, for States: November 2024," <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-587.html>.

⁴⁰ U.S. Census Bureau, *Voting and Registration in the Election of November 2024*, Table 14: Method of Voting, by Selected Characteristics: November 2024 (Apr. 2025), <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-587.html>.

This USPS policy acts as an unlawful hurdle for all voters, but one that particularly harms voter groups who have historically and consistently voted by mail in high percentages -- groups including naturalized citizens, elderly voters, transient voters, voters with limited English proficiency, voters with disabilities, and lower-income voters. Many of these voters rely on voting by mail not out of preference, but because they do not have the ease or ability to physically go to a polling location, or they need additional assistance (for example, translation).

A. Naturalized citizens vote by mail more than native-born citizens.

Thirty-six percent of naturalized U.S. citizens cast their ballots by mail in November 2024, compared to 28% of native-born citizens.⁴¹ New citizens often need family, friends, or community organizations to help them navigate the ballot, and, therefore, they particularly benefit from having ballots available by mail. Additionally, a significant portion of naturalized citizens reside in states where vote-by-mail is the primary method of voting. For example, 23% of all naturalized citizens reside in California,⁴² where nearly 82%⁴³ of all voters vote with the ballot they receive in the mail—casting it by either returning it by mail, at a drop box, or at a drop off location.

⁴¹ *Id.*

⁴² Katherine Schaeffer, *supra*, note 23.

⁴³ USC Price Ctr. for Inclusive Democracy, *California's 2024 General Election: Voting Methods and Early Voting*, at 9 (July 2025), https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/688dbdfd4a08101ae3691d8f/1754119684629/USC_CID_VotingMethods_Report_Final.pdf.

B. Eligible voters who have limited English proficiency often need additional time or support when voting and opt to vote by mail.

Over 37% of immigrant eligible voters have limited English proficiency (“LEP”).⁴⁴ Many LEP voters, including significant numbers of elderly citizens, rely on mail voting because it allows them to take their time to understand their ballot or obtain assistance. An analysis by UCLA’s Voting Rights Project found that 89.9% of minority language voters in California cast a mail ballot in the November 2020 election, which was slightly higher than the vote-by-mail rate among English language voters.⁴⁵ Last year, amicus Asian Law Caucus conducted a large survey of California voters with either a Spanish or Chinese language preference in their voter file. Roughly two-thirds of respondents said they voted by mail or used a drop box to vote in the November 2024 general election.⁴⁶ Language accessibility was the third most common reason that respondents cited for the specific method of voting they chose.⁴⁷ Many said they preferred to vote by mail because it allowed them time to read their ballot, understand the various propositions, and use a dictionary or a family member for translation help.⁴⁸ These options are especially necessary because many

⁴⁴ Katherine Schaeffer, *supra*, note 23.

⁴⁵ Matt Barreto et al., *California Voter’s Choice Act: Language Access During the November 2020 General Election*, UCLA Voting Rights Project, at 3 (May 2022), <https://elections.cdn.sos.ca.gov/vca/2020-vca-report/appendix-b2-ucla-general.pdf>

⁴⁶ Asian Law Caucus, California Common Cause, & PANA, *Forging Ahead: Community Voices and the Impact of Language Access in the Electoral Process*, at 33-34. <https://cdn.craft.cloud/5cd1c590-65ba-4ad2-a52c-b55e67f8f04b/assets/media/Programs/Voting-Rights/Forging-Ahead-Community-Voices-and-the-Impact-of-Language-Access-in-the-Electoral-Process.pdf>

⁴⁷ Forging Ahead, *supra* note 46, at 34.

⁴⁸ Forging Ahead, *supra* note 46, at 34.

states do not provide language access to those who need it. Notably, LEP voters make up 28% of the Asian American eligible voting population.⁴⁹

C. Many voters with disabilities rely on vote-by-mail and would be harmed by the EO's mail-in ballot process changes.

Voting by mail is crucial among voters with a disability.⁵⁰ Even among states that limit who can access a ballot by mail, all allow voters with a disability or illness to use this method of voting.⁵¹ Nationally, in 2020, 53% of voters with disabilities voted by mail, compared to 42% of voters without disabilities.⁵²

According to a report by the EAC and Rutgers University regarding the 2022 elections, 15.8 million citizens with disabilities reported voting in the November 2022 elections.⁵³ Most importantly, the states that provide easier access to voting by mail in 2022 as compared to 2018 had significantly higher turnout rates among voters with disabilities. States that switched from excuse-required to a no-excuse system saw an increase of 6.9 points, and states that switched from no-excuse to all vote-by-mail saw an increase of 5.3 points.⁵⁴

⁴⁹ U.S. Census Bureau, American Community Survey 2024 (5-Year Estimates), Public Use Microdata Sample, <https://data.census.gov/app/mdat>.

⁵⁰ Jess Davidson, American Association of People with Disabilities Responds to Executive Order Threatening Vote by Mail, AAPD (Apr. 2, 2026), <https://www.aapd.com/trump-vote-by-mail-eo-statement/>.

⁵¹ Nat'l Conf. of State Legislatures, *Voting Outside the Polling Place: Absentee, All-Mail and Other Voting at Home Options*, Table 2: Excuses to Vote Absentee (June 3, 2026), <https://www.ncsl.org/elections-and-campaigns/table-2-excuses-to-vote-absentee>.

⁵² Lisa Schur & Douglas Kruse, *Disability and Voter Turnout in the 2020 Elections*, Rutgers Disability Vote Summit (2021), www.ndrn.org/wp-content/uploads/2021/09/Rutgers-Disability-Vote-Summit-Slides.pdf.

⁵³ U.S. Vote Found., *Closing the Gap on Voters with Disabilities - Updated for 2024*, <https://www.usvotefoundation.org/closing-gap-voters-disabilities-updated-2024> (last visited Aug. 1, 2026).

⁵⁴ Lisa Schur, Douglas Kruse, and Mason Ameri, *Disability and Voter Turnout in the 2022 Elections (Supplemental Analysis of Census Voter Turnout Data)*, Election Assistance Commission and Rutgers (...continued)

Voters with mobility issues often must secure transportation and navigation help in order to vote in person. A Georgia voter with cerebral palsy described his one-time experience voting in person as costly, laborious and a multi-step process. He described vote-by-mail as a "lifeline to make [his] voice heard, express satisfaction or dissent, and remain part of a system that often overlooks people like [him]."⁵⁵

D. Older voters vote by mail more frequently than their younger counterparts.

Similar to voters with disabilities, 37% of voters aged 65 or over cast ballots by mail, compared to 26% of voters aged 18-44.⁵⁶ Eight states that limit who can access a ballot by mail allow voters of a certain age to vote by mail even if they do not necessarily have a mobility issue. These states recognize that elderly voters may have mobility issues that prevent easy access to a polling location or prevent them from standing in long lines at the polls, and thus may need to vote by mail in order to exercise their franchise.

E. Voters who move or change addresses, and low-income voters will be challenged by barriers to mail-in voting.

The USPS policy restricts mail-in ballot usage for voters whose address has changed or may not match the lists used pursuant to the EO. Address instability is concentrated among low-income Americans. In 2022, 12.1 million renting households were severely cost-burdened, and in 2023 more than one million evictions were filed,

University, pp. 5-6 (2023), www.eac.gov/sites/default/files/2023-07/EAC_2023_Rutgers_Report_Supplement_FINAL.pdf

⁵⁵ Nick Papadopoulos, *Voting By Mail is My Lifeline: Voter With Disability Shares Importance of Mail-in Voting*, ACLU (June 3, 2026), www.aclu.org/news/voting-rights/voting-by-mail-is-my-lifeline-voter-with-disability-shares-importance-of-mail-in-voting.

⁵⁶ U.S. Census Bureau, *supra* note 40, at Table 14.

and more than 650,000 people experienced homelessness.⁵⁷ Rental residential mobility, in turn, depresses voter turnout, an effect attributed to the need to re-register after moving and particularly so when the move follows eviction or foreclosure.⁵⁸ A bipartisan group of ten state and local election officials warned the USPS that voters “who have completed all required steps to receive mail ballots” may still fail to reach the list, and that a voter who does not receive an expected ballot “may not have another opportunity to vote.”⁵⁹ The voters least able to absorb that error are those whose addresses change most often. According to the U.S. Census Bureau, about 12% of Americans move each year.⁶⁰

III. THE EO HAS ALREADY CAUSED UNCERTAINTY AND CONFUSION AMONG VOTERS, THREATENING TO CHILL DEMOCRATIC PARTICIPATION.

The EO and actions of the federal agencies have caused uncertainty and confusion among eligible voters across communities, undermining confidence in and understanding of their ability to participate in upcoming elections, all creating a chilling effect on voter participation.⁶¹ Voters are concerned they will be improperly

⁵⁷ Simrun Singh & Katherine Fallon, *Housing Instability Is a Critical Barrier to Voting Access*, Urb. Inst.: Hous. Matters (Oct. 23, 2024), <https://housingmatters.urban.org/articles/housing-instability-critical-barrier-voting-access>.

⁵⁸ *Id.*

⁵⁹ Bipartisan Policy Ctr., *BPC Public Comment on USPS Proposed Rule on Ballot Mail for Federal Elections* (July 2, 2026), <https://bipartisanpolicy.org/wp-content/uploads/2026/07/BPC-Ballot-Mail-for-Federal-Elections-Public-Comment.pdf>.

⁶⁰ U.S. Census Bureau, *United States Migration/Geographic Mobility at a Glance: American Community Survey 1-Year Estimates* (Sept. 16, 2025), <https://www.census.gov/topics/population/migration/guidance/acs-1yr.html>.

⁶¹ American Postal Workers Union Comments on Proposed Rule: Ballot Mail for Federal Election (Jun. 29, 2026) (“Already the public is confused and concerned; the damage this rule will do to service and the Postal Service’s reputation is truly unprecedented.”) <https://www.savethepostoffice.com/wp-content/uploads/2026/07/Comments-on-USPS-ballot-mail-proposal.pdf>.

excluded from the citizenship list, will not know if they are on any list, or will have difficulty fixing an improper exclusion.⁶² The executive director of Black Voters Matter Fund and VBM Capacity Building Institute, Inc.⁶³ has stated the EO undermines their attempts to assure voters that the elections will be fairly administered and that their data will be protected. They have already received voter and partner inquiries related to voter eligibility, the ability to continue to vote by mail, and concerns about data privacy. Amicus Common Cause expects to confront confusion and inform voters how to correct any errors if they are excluded from the USPS or DHS lists.⁶⁴ Secure Families Initiative, a nonprofit organization whose military families and veterans rely heavily on mail-in voting, is preparing to monitor impacts on their members related to the state citizenship lists and state participation lists.⁶⁵ Many other organizations are similarly responding to attacks on democratic norms and preparing to protect voters harmed by the EO.⁶⁶

⁶² See Decl. of Jill Howard, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-6; Decl. of Brian James Freeman, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-8; see also Decl. of Carolyn Betensky, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 55-10.

⁶³ Decl. of Clifford Albright, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-9.

⁶⁴ Decl. of Elena Nunez on Behalf of Common Cause, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-3; see also Decl. of Kyle Giddings, *DSCC v. Trump*, No. 1:26-cv-01114 (D.D.C. 2026), ECF No. 54-4.

⁶⁵ Decl. of Sarh Streyder, Executive Director, Secure Families Initiative, *DSCC v. Trump*, 1:26-cv-01114 (D.D.C. 2026), ECF No. 53-12.

⁶⁶ See PRRI, *Survey: As the Nation Marks 250th Birthday, Seven in Ten Americans Believe Democratic Freedoms Are in Danger* (June 17, 2026), <https://prri.org/press-release/survey-as-the-nation-marks-250th-birthday-seven-in-ten-americans-believe-democratic-freedoms-are-in-danger/>; Bright Line Watch, *The Persistence of Diminished Democracy in a Second Trump Presidency*, <https://brightlinewatch.org/the-persistence-of-diminished-democracy-in-a-second-trump-presidency/> (last visited July 31, 2026) (finding expert assessments of U.S. democracy fell to the lowest recorded levels in spring 2025, comparable to 1965); Delano Massey, *Exclusive: New poll finds most Americans fear civil war and democratic decline*, Axios (Nov. 18, 2025), <https://www.axios.com/2025/11/18/americans-fear-civil-war-poll>.

CONCLUSION

The harms of the EO and the Federal Government's actions in furtherance of it impact vast numbers of voters and community-serving groups and would culminate in widespread disenfranchisement. Amici urge the Court, in weighing the traditional factors applicable to considering a stay, to recognize the grave harm this EO is causing and will further cause to so many voters. The public interest here lies with tens of millions of American voters and their right to vote, without unnecessary and harmful barriers.

For these reasons, the Court should deny the application for a stay.

Respectfully submitted,

KIMBERLY LEUNG

Counsel of Record

EILEEN MA

DEANNA KITAMURA

WINIFRED KAO

Asian Law Caucus

55 Columbus Ave

San Francisco, CA 94111

kimberlyl@asianlawcaucus.org

eileenm@asianlawcaucus.org

deannak@asianlawcaucus.org

winifredk@asianlawcaucus.org

ALEXANDRA M. SMOLYAR

MEREDYTH L. YOON

SAMANTHA C. HAMILTON

Asian Americans Advancing Justice-
Atlanta

5680 Oakbrook Parkway, Suite 148

Norcross, GA 30093

asmolyar@advancingjustice-atlanta.org

myoon@advancingjustice-atlanta.org

shamilton@advancingjustice-atlanta.org

KALPANA V. PEDDIBHOTLA
VIJAYASARADHI V. BONDADA
South Asian American Justice
Collaborative
333 W. San Carlos Street, Suite 600
San Jose, CA 95110
kalpana@saajco.org
vijay.bondada@saajco.org

RONAK PATEL
NIJI JAIN
Asian American Legal Defense and
Education Fund
99 Hudson Street, 12th Floor
New York, NY
rpatel@aaldef.org
njain@aaldef.org

DENISE D. LIEBERMAN
Missouri Voter Protection Coalition
6047 Waterman Blvd.,
Saint Louis, MO 63112
(314) 780-1833
denise@movpc.org

OMAR H. NOURELDIN
MARYAM JAZINI DORCHEH
COMMON CAUSE
805 15th St. NW
Suite 800
Washington, DC 20005
(202) 833-1200
onourelidin@commoncause.org
mjazini@commoncause.org

Counsel for Amici Curiae

August 3, 2026

Statements of Interest of Additional Amici Curiae

AAPI Equity Alliance is a coalition of 50 organizations serving AAPI communities in Los Angeles County.

Arizona Asian American Native Hawaiian and Pacific Islander for Equity (AZ AANHPI for Equity) is a state-wide organization striving for equity and justice by building power through community directed organizing, increasing civic engagement, and empowering young leaders.

Asian Americans Advancing Justice of Southern California (AJSOCAL) is a leading civil rights advocate for the Asian American and Pacific Islander community.

Asian Americans and Pacific Islanders of New Jersey (AAPI NJ) is a state-level Asian American advocacy organization based in New Jersey.

Asian Law Alliance is a legal services organization working for justice dignity and equality for low-income Santa Clara County Residents.

Asian and Pacific Islander American Vote (APIAVote) is a leading national nonpartisan nonprofit dedicated to engaging, educating, and empowering Asian American and Pacific Islander communities to strengthen and sustain a culture of civic engagement.

Asian Refugees United (ARU) is an Art, Healing, and social Justice Leadership Center whose mission is to cultivate and restore wholeness in communities impacted by displacement.

Chinese for Affirmative Action (CAA) is a progressive voice in and on behalf of AAPI communities, and CAA advocates for systemic change that protects immigrant rights, promotes language diversity, and remedies racial and social injustice.

Coalition for Humane Immigrant Rights (CHIRLA) was founded in 1986 to advance the human and civil rights of immigrants and refugees and become a place

for organizations and people who support human rights to work together for policies that advance justice and full inclusion for all immigrants.

Council on American-Islamic Relations (CAIR) and its 25 affiliated chapters work to enhance the public's understanding of Islam, protect civil rights, empower American Muslims, and promote justice for all.

Equal Justice Society is a national civil rights organization building an inclusive and multiracial democracy.

Hands United is a national nonprofit serving Deaf and hard of hearing immigrants and their families.

LEAD Filipino is a multi-state organization that advances Filipino American and Asian American Pacific Islander cultural and civic power.

Mekong NYC uplifts and organizes the Southeast Asian refugee and immigrant community in the Bronx and throughout New York City.

Miami Valley Immigration Coalition is a Southwest Ohio coalition committed to immigrant justice.

OneAmerica is a power building organization that works to advance democracy and justice by building power within immigrant and refugee communities in Washington State.

Parent-Child Relationship Association is a nonprofit organization that empowers immigrant families through education, community services, and civic engagement.

Public Counsel, based in Los Angeles, California, is a nonprofit public interest law firm dedicated to advancing civil rights and racial and economic justice, as well as amplifying the power of its clients through comprehensive legal advocacy.

SAATH is mobilizing the future of South Asian politics.

SAAVETX EF is the largest South Asian outreach organization in Texas.

Services, Immigrant Rights and Education Network (SIREN) is an immigrant rights organization whose mission is to empower low-income immigrants and refugees through community education and organizing, leadership development, policy advocacy, civic engagement and legal services.

Sikh American Legal Defense and Education Fund (SALDEF) is the nation's oldest Sikh organization focused on building leadership and capacity in the Sikh American community.

Stop AAPI Hate is dedicated to exposing and combating racism and discrimination against Asian Americans and Pacific Islander (AAPI) people in the U.S.

The Workers Circle is a national, secular Jewish social justice organization working to strengthen voting rights, demand democracy, and build a better and more beautiful world for all.