

On Tuesday, March 25, President Trump signed an executive order repeating the lie that America's elections are rigged, while claiming broad new powers to dictate how elections are conducted, with the potential to disenfranchise millions.

What's in the Order?

- A requirement of documentary proof of U.S. citizenship in order to register to vote using the Federal Voter Registration Application, which could disenfranchise millions of American citizens;
- A requirement that voter registration information be handed to the Department of Government Efficiency (DOGE), which has a history of misinformation on government data and false claims of election interference, potentially even giving Elon Musk the opportunity to decide who is allowed to vote;
- Unfunded mandates on states to implement new procedures for voting, potentially costing billions of taxpayer dollars;
- The threat of cutting off federal funding for states that do not comply;
- Ending certain forms of electronic voting;
- Prohibiting the counting of mail-in ballots received after Election Day.

Is this legal?

No.

The power to “regulate the conduct of elections” is given to the states by the Constitution in Article I, section 4, and has been upheld by numerous Supreme Court rulings.

Much of this order is instead phrased as orders binding to the U.S. Election Assistance Commission (EAC). The EAC is an independent agency created by Congress and cannot be ordered to do anything by the President. All EAC decisions require a majority vote by their commissioners. Any decisions by the EAC must adhere to the Constitution and federal statutes, and must not exceed the role, scope, and authority given to the agency.

In order to give much of this order legal force, Congress would have to pass legislation. Already, there is a bill in Congress to do much of that called the **Safeguard American Voter Eligibility (SAVE) Act**. This bill would “*amend the National Voter Registration Act of 1993 to require proof of United States citizenship*” in order to vote, which means adding a new hurdle that millions of Americans will struggle to meet.

Why is the Executive Order needed?

It's not.

America's elections are remarkably secure with very few documented cases of voter fraud. In Georgia, for instance, out of 8.2 million registered voters, only 20 were found to be non-citizens who are registered (and that does not mean that they actually voted). Additionally, non-citizen voting is already illegal and carries hefty penalties under existing law, including imprisonment or deportation.

Instead, this order is intended to give truth to the lie that Donald Trump only lost the 2020 election because of rampant voter fraud and impropriety, despite over 60 court cases ruling that there was no widespread fraud in the November 2020 election. This is the lie that led to the violent assault on the Capitol on January 6 and should not be given credence through official policy.

In addition to advancing the lie that the 2020 election was "stolen," this order, with its focus on citizenship, is intended to contribute to the atmosphere of xenophobia and anti-immigrant policies by claiming, falsely that undocumented immigrants are increasingly voting in Federal elections.

How would this impact our elections?

If the new voter ID requirements were implemented, millions of Americans who do not have, or would struggle to find, proof of citizenship would be prohibited from voting. This executive order even goes further than the SAVE Act would by preventing the use of a birth certificate alone to prove one's citizenship, likely disenfranchising even more individuals.

Voter fraud is incredibly rare. Rather than protecting democracy, these policies would do the reverse. The impact will mostly be felt by groups like college students, those experiencing homelessness, communities of color, immigrants, and other populations who would struggle to provide identification. In other words, it would make it harder for people to register to vote unless they could provide documentation of their citizenship, which, according to research by the Brennan Center for Justice, would disenfranchise about 21.3 million Americans, or more than 9% of the country.

How would this impact our elections? (Continued)

Consider this: **146 million American citizens do not even have a passport.** That's just a little less than the 153 million Americans who voted in the 2024 general election. Additionally, **69 million female citizens and 4 million male citizens who have legally changed their name do not have a birth certificate that matches their legal name.**

Additionally, many active Service Members or others who rely on mail-in voting could have their votes thrown away for reasons beyond their control.

Why is this a Jewish issue?

As American Jews, we are strongest when our democracy is strongest. Any actions that make our democracy less representative, make it easier to exclude voters, advance bigoted or racist conspiracy theories, or embolden extremist groups leave us all less safe. The new Executive Order and the accompanying SAVE Act do all of this.

We believe that only with a truly representative democracy can we be sure that the rights of American Jews and the rights of all people are protected. But false claims of non-citizen voting, like those that drive these policies, have been used to enact more onerous voter identification requirements, limit voter assistance in languages other than English, and spread misinformation about voting.

And with “invasion” and “replacement” rhetoric used to justify these policies, it further normalizes the “Great Replacement” lies that have already fueled deadly violence against the Jewish, Latino, and Black communities, as well as other minority groups — including the deadliest attack on the Jewish community in U.S. history at Tree of Life in Pittsburgh.

Top Line Messages:

- The SAVE Act would fuel disenfranchisement and mis- and disinformation, reinforcing false extremist claims of non-citizen voting. Its ties to "replacement" and "invasion" narratives normalize dangerous conspiracy theories that have already incited violence against Jews, Latinos, Black communities, and others.
- The right to vote is at the core of our democracy. We should be making it easier to vote, not harder.
- Attacks on our democracy are attacks on Jewish safety.
- There is no widespread voter fraud. Our elections are safe. These policies are meant to advance the idea that the 2020 election was 'stolen' and increase fear that undocumented immigrants are 'taking over' the country – a dangerous conspiracy theory that has fueled deadly violence against a number of communities.
- Requiring documentary proof of citizenship is both unnecessary and dangerous to democracy. We already have ways to protect our elections and laws that prohibit noncitizens from voting.
- The President has no legal authority to dictate new election laws through an executive order.
- This order seeks to intimidate members of immigrant communities and communities of color from exercising their lawful right to vote. It also would make it harder for voters of color and naturalized citizens to register to vote and would prevent their full participation in democracy.
- Our policies should be based on facts, not spreading fear.