

SOLVING A NON-EXISTENT PROBLEM: THE SAVE ACT AND THE FUTURE OF ELECTION SECURITY



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PROBLEM DEFINITION

The Republican Party has introduced a suite of bills targeting voter registration access since the 2020 election, as President Trump claimed that illegal/noncitizen votes were the reason he lost. These bills include **the Safeguard American Voter Eligibility (SAVE) Act, SAVE America Act, and Make Elections Great Again (MEGA) Act**, all of which are disruptive to the current voter registration system.

Even though noncitizens have been barred from voting in federal elections since 1996, the Republican Party claims that requiring documentary proof of citizenship is a necessary step in protecting elections. However, the requirement hurts American citizens who are trying to register to vote, especially since not all citizens have access to the required forms.

To register to vote under these acts, citizens would have to present a birth certificate, passport, military ID with citizenship status, or other documentation proving they are a US citizen. This would override the current system, under which a citizen can register to vote using only a driver's license.

It would also disproportionately impact populations who are already disenfranchised, including Black Americans. **Only half of eligible Black voters in the US under 30 years old have access to the required forms**, while many Black Americans born before the Civil Rights Act were not issued birth certificates (VOTE.Org 2026). Furthermore, **69 million women in the US would potentially be disenfranchised**, as the name on their birth certificate and other forms of documentation would be different (ibid).



CURRENT POLICY CONTEXT

The President of the United States is trying to federalize voting and wants to reconstruct the American election system. According to Donald J. Trump, **changing voter laws before the upcoming midterms should be the number one priority of Congress.** Trump has expressed that he wouldn't sign any bills until Congress passed the SAVE America Act. Trump is confident that the passage of the act will guarantee the midterms (de Guzman, 2026). This raises structural and legal issues about how the United States administers elections. The president has no independent constitutional authority to determine election procedures (Galston, 2026). The only authority the president has is to enforce the laws that Congress writes and the president signs into law, while the final determination of said matters is the responsibility of the courts. **These efforts to federalize election processes undermines the nation's established constitutional boundaries.** This creates significant implications for both democratic participation and the integrity of U.S. election governance.

In addition to constitutional considerations, the proposed policy changes have implications for election administration. **States traditionally administer election procedures, not the federal government.** Provisions in the SAVE America Act, such as increased documentation requirements to verify citizenship, will **require adjustments to existing voter registration systems.** These changes might affect how states process registrations and verify eligibility. Even more so if implemented on a short timeline prior to the midterms. State capacity and interagency coordination will play a crucial role in determining how these policies are effectively implemented. Overall, these developments contribute to the **ongoing debate over the proper constitutional balance between federal oversight and state control of election systems and how to best maintain both election security and voter access.**

POLICY PROPOSALS

	THE SAVE ACT (H.R. 22/S. 128)	THE SAVE AMERICA ACT (H.R. 7296/S. 3752)	THE MEGA ACT (H.R. 7300)
HOW IT IMPACTS VOTER REGISTRATION	Requires proof of ID and citizenship to register to vote	Requires proof of ID and citizenship to register to vote	Requires proof of ID and citizenship to register to vote, bans automatic mail-in voter registration
HOW IT IMPACTS CASTING A BALLOT	No additional requirements for casting a ballot	Requires proof of ID to be shown at the polls	Requires proof of ID to be shown at the polls, requires mail-in ballots to arrive and be tabulated on election day
LEAST TO MOST DISRUPTIVE	Least disruptive, as it only impacts the voter registration process. Still presents unnecessary hurdles to register.	More disruptive, changes the process of registering and casting a ballot	Most disruptive, making massive changes to mail-in voting, voter registration, and casting a ballot in person.

Three different versions of the **SAVE Act** have been introduced in Congress, all with different levels of interference in the election process (Campaign Legal Center 2026). All versions of the act are restrictive to our democracy because of their documentary proof of citizenship requirement, but the **SAVE America Act and Make Elections Great Again (MEGA) Act** go beyond simply modifying the registration process, making sweeping changes to how elections are held.

Both acts implement **strict voter ID laws**, alongside requiring documentary proof of citizenship (DPOC), **excluding currently accepted forms of voter ID like college IDs** (ibid). These requirements, combined with the citizenship requirement, exclude voters who do not have easy access to the required documentation. The **MEGA Act** also requires people registering to vote to submit their DPOC in person, **effectively nullifying the practice of registering to vote by mail.**

ROLE FOR GOVERNMENT

Under the “Time, Place, and Manner” text of the elections clause in the Constitution, Congress can make and change laws around federal elections.

However, the Supreme Court has placed limits on this power through cases like **Shelby County v. Holder** and **Louisiana v. Chavis**, which weakened tenets of the Voting Rights Act of 1965 (namely, the practice of map preclearance and a ban on perceived race-based gerrymandering) because the law implemented additional requirements for states.

The government has also already implemented laws that render core tenets of the SAVE Act redundant. For example, the **1996 Immigration Reform and Responsibility Act** already outlaws noncitizens voting in federal elections under punishment of fines, jail time, or deportation.

The **National Voter Registration Act of 1993** also implements practices for verifying citizenship, like requiring voters to prove their identity the first time they cast a ballot after registering to vote by mail.

Article I, Section 4, Clause 1:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

RECOMMENDATIONS

1

INDEPENDENT
FEDERAL AGENCY

2

STANDARDIZE
POST-ELECTION
AUDITS

3

STRENGTHEN
NVRA
ENFORCEMENT

Major changes to voting procedures should be avoided before the midterms, as they are likely to cause administrative errors and voter confusion (Bipartisan Policy Center, 2026). States need time to adapt, and the U.S. Election Assistance Commission needs time to provide implementation guidance. Instead, lawmakers should use this momentum to modernize election systems.

RECOMMENDATION 1: INDEPENDENT FEDERAL AGENCY

Currently, the **SAVE Act puts the burden on the voter**. Instead, a new independent agency would do the opposite and place responsibility on government officials to prove citizenship. Back-end verification, instead of front-end documentation, is needed. This agency would fund, protect, and better support the people responsible for running elections. **A federal agency would verify citizenship through government databases that already exist, rather than forcing every citizen to produce additional documentation at the registration counter.** Since many government databases are outdated or incorrect, election officials should place flagged voters into a “pending verification” status (Bipartisan Policy Center, 2026). A voter would still be registered to vote but be legally required to affirm their citizenship before they can officially vote again. Enforcing intra-agency data sharing between agencies like the Federal Elections Commission, state boards of elections and state Departments of Motor Vehicles would also strengthen voter registration maintenance, allowing easier communication on the life status, address, and other information of eligible voters, ensuring less discrepancies when checking the security of elections. Federal standards for data sharing and cross-agency coordination would need to be established, and federal funding would be utilized to modernize outdated databases, ensure cybersecurity protections, and train election officials. Ultimately, this recommendation **strengthens election integrity without sacrificing voter access.**

RECOMMENDATION 2: STANDARDIZE POST-ELECTION AUDITS

Another back-end verification recommendation, which could be operated by the new independent agency, is to **create a comprehensive post-election audit protocol that is standardized and consistently applied across jurisdictions in the country.** Currently, post-election audits in the United States are inconsistent across states. Thirty-five states and Washington, D.C., conduct a traditional tabulation post-election audit, seven states have a risk-limiting audit, and seven states have post-election audits that do not fall into these categories (National Conference of State Legislators, 2025). **The current post-election auditing process is not consistent across the country, which could possibly lead to ambiguous election outcomes.** Post-election audits have proven to be a critical process in verifying election outcomes (Democracy Policy Network, n.d.). A standardized audit protocol would help inform election officials whether the integrity of voting systems has been compromised in any way and can serve to minimize fraud.

Checking every single ballot after an election takes a significant amount of time and money. Risk-limiting audits (RLAs) help examine a sample of ballots either through ballot-comparison, ballot-polling, or batch comparison (Democracy Policy Network, n.d.). This system is superior to others because they **use statistical methods to ensure a low probability of errors.** This efficient and reliable system ensures that the election outcome is correct without needing to count every single ballot. This system would be implemented through federal legislation requiring all states to adopt standardized risk-limiting audits for federal elections, with the independent agency providing oversight. **A thorough post-election audit can also boost public confidence in the voting system and trust the legitimacy of election outcomes. This could increase civic engagement and democracy over time.**

RECOMMENDATION 2: STANDARDIZE POST-ELECTION AUDITS



RISK-LIMITING AUDITS

THE THREE METHODS

Source: National Conference of State Legislatures, 2024

BALLOT-COMPARISON	BALLOT-POLLING	BATCH-COMPARISON
Sample Size Needed: 276	Sample Size Needed: 9,386	Sample Size Needed: 55,200
Random ballots are checked one by one. Human review is compared directly to the machine's record to spot any mismatches.	Random ballots are reviewed by hand. If enough support the reported winner, the audit can stop early.	Groups of ballots are checked. Hand counts of selected batches are compared to machine totals to confirm accuracy.

Electronic voting systems are never completely error-proof (Lindeman & Stark, 2012), so elections should always have a reliable paper trail that can be verified. Risk-limiting audits use these paper records to confirm the reported election winner.

As depicted by the sample sizes needed for the different RLA methods, lower risk limits provide stronger confidence in the results but usually require examining more ballots.

For these methods, it is important to have a ballot inventory, where every ballot is stored in order for auditors to be able to locate randomly selected ballots. The overall effectiveness of risk-limiting audits depend on election organization and the ability to locate ballots reliably in order to ensure that ballots have not been lost, altered, or added after the election.

RECOMMENDATION 3: STRENGTHEN NVRA ENFORCEMENT

The National Voter Registration Act (NVRA) was enacted in 1993 and is a piece of legislation that requires uniform practices for federal elections (U.S. Congressional Research Service, n.d.). One of its main priorities is to maintain voter rolls, and states must consistently update voter lists. We already have an election security framework that is consistently being expanded. Throughout history, federal policy has been built upon, not replaced. **We already have a comprehensive voter registration system.** There is no need for a new piece of legislation through the SAVE Act. The priority should be ameliorating NVRA enforcement and updating it, rather than complicating the system with new laws. To ensure that state agencies are complying with NVRA requirements, training should be provided for state officials on NVRA compliance and best practices. The NVRA is especially important because it **ensures that all eligible citizens have fair access to voter registration, and it sets safeguards on how states conduct voter roll maintenance. The most effective policy decision is to reinforce NVRA enforcement and administrative capacity rather than introduce new legislation, such as the SAVE Act, right before the midterms.**



CONCLUSION

The SAVE Act is ultimately a redundant piece of legislation that risks doing more harm than good to the American electoral system. Existing laws, including the 1996 immigration statute, already prohibit noncitizen voting without imposing additional barriers on eligible voters. Rather than creating new front-end requirements that burden citizens, policymakers should focus on strengthening enforcement of the National Voter Registration Act (NVRA) and investing in back-end verification systems that place the responsibility on government institutions rather than on the people they're serving.

Practical alternatives already exist. The creation of a federal independent agency to verify citizenship through existing databases would improve accuracy without restricting access. Standardizing post-election results through risk-limiting audits nationwide would further ensure election integrity through transparent, evidence-based verification methods. Together, **these reforms modernize election administration while maintaining both security and accessibility.**

Introducing new barriers ahead of a major election will further decrease the public's trust. **A balanced approach that does not shift the burden onto voters offers a more effective and constitutionally sound path forward for protecting American democracy.**



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