

**Comment on Petition Submitted by America First Legal
Foundation to the US Election Assistance Commission
Regarding Proof-of-Citizenship Requirements
for Voter Registration**



Submitted by:
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To the Commissioners of the U.S. Election Assistance Commission:

FAWCO and its US Issues Team respectfully submit this comment in strong opposition to the petition filed by the America First Legal Foundation requesting that the US Election Assistance Commission require documentary proof of US citizenship for voter registration.

FAWCO is an international federation of independent organizations whose mission is

- to build strong support networks for its American and international membership;
- to improve the lives of women and girls worldwide;
- to advocate for the rights of US citizens overseas; and
- to mobilize the skills of its membership in support of global initiatives for education, the environment, health and human rights.

With 60 member organizations in 30 countries, FAWCO is the largest and oldest nonpartisan organization of American expats in the world. Since its founding in 1931, its work has included fighting to protect and secure the rights of Americans overseas to citizenship, to voting in US elections and to fair treatment under the US laws on taxation and banking.

Overseas Americans are often called unofficial ambassadors for their native country, and fulfil the duties of citizens, a notable example being the filing income tax returns (although nearly 90% owe no tax). While their obligations have remained the same, their rights as US citizens have been hard won: overseas Americans have only had the right to vote in US elections for half a century. Overseas voters must already navigate more obstacles to exercising their Constitutional rights than their fellow citizens. Granting the petition of the America First Legal Foundation would add one more that is unnecessary, unsafe and unacceptable. The result would be to further suppress the already low rates of overseas voter turnout and interfere with the rights of citizens, while leaving their obligations untouched.

We vote Under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the subsequent Military and Overseas Voter Empowerment (MOVE) Act, both passed with overwhelming bipartisan support. These laws established a secure, uniform and efficient system to ensure that US citizens living abroad can participate in American elections. UOCAVA has operated smoothly and securely across the world, without systemic wrongdoing or voter fraud for nearly 40 years.

While UOCAVA and MOVE represent one of the most successful, automated and bipartisan voting systems in the history of the United States, overseas citizens unfortunately face obstacles to voting from which their compatriots are free.

1. MOVE requires overseas voters to register/request a ballot in every election year in which they wish to vote. Some dedicated overseas voters have re-registered seven times or more since its passage.
2. The current Federal Post Card Application (FPCA) requires civilian overseas voters to indicate their plans for their future movements when registering to vote/requesting a ballot: whether they intend to return to the United States. While Americans are famous for their mobility, those who live in the United States are not asked whether they intend to move when they register to vote.
3. US citizens who have not resided in the country as adults for a set period have all the obligations of citizens, but are allowed to vote in only 37 states, and their existing voting rights are under attack from a number of lawsuits filed in swing states.
4. Overseas voters also face substantial practical challenges in completing the obstacle race to cast valid ballots. Many live in countries with unstable or no postal systems, some of which do not reliably deliver mail to the United States. New restrictions on international mail imposed by the current administration worsen this problem.

The petition to the Commission seeks to impose new documentary requirements to submit proof of citizenship on voter registration. This proposal is unnecessary, unsupported by evidence and unsafe: it would create serious new risks and barriers for UOCAVA voters. The current system works, and there is no evidence that non-citizens are registering or voting under UOCAVA procedures. Voters already verify their identities using secure methods prescribed by law, including the last four digits of their Social Security numbers, combined with their names, dates of birth and last residence address in the United States. Election officials can securely validate this information using existing systems.

Because we live outside the United States, overseas voters have lots of documentation to prove our identities and status as citizens. Requiring voters to transmit copies of citizenship documents such as passports, however, introduces major, additional and unnecessary security and logistical problems. There is no secure, standardized or federally certified system in which US voters can safely upload or transmit sensitive identification documents, or election officials can safely verify them. The systems voters currently use – primarily paper mail or email – cannot protect such personally identifiable information and can be intercepted.

Asking voters to send copies of passports through insecure systems would expose them to unacceptable risks of identity theft and data breach. No American citizen should ever be asked to risk their personal data or identity in order to exercise their right to vote.

The proposed requirement would therefore raise a severe new barrier for overseas voters. Our registration and participation rates remain extremely low – 3–8% – in contrast with 60% for

domestic voters. Adding another administrative burden to an already burdensome process, like requiring us to provide and transmit citizenship documents, would almost certainly reduce participation rates even further. For example, requiring overseas voters to physically mail copies of citizenship documents would be not only unsafe but also impossible for many and could effectively disenfranchise entire groups of citizens.

Once again, the existing system for overseas voter registration is already secure, functional and verified, although unduly burdensome. Election officials can confirm voter identity through existing means. There is no operational or security justification for imposing new citizenship-related requirements. This proposal would not increase election integrity; it would introduce new and dangerous burdens and disenfranchise citizens.

If the Commission wishes to strengthen the administration of UOCAVA voting, we urge it to focus on improvements that would actually enhance security and access, and reduce the unnecessary existing burdens on overseas voters by:

1. developing secure communication channels between voters and election officials;
2. supporting state adoption of online tools designed for UOCAVA use; and
3. maintaining the bipartisan commitment to ensuring that and overseas voters can participate safely and efficiently in every election.

We at FAWCO support the US Vote Foundation's UOCAVA Reform Agenda (<https://www.overseasvotefoundation.org/us-overseas-voting-reform-agenda>), as spelled out in our position paper on voting for Overseas Americans Week (https://www.fawco.org/images/stories/US_liaison/OAW_2019_Overseas_Voting.pdf), when we and partner organizations lobby the US Congress on the behalf of overseas citizens.

For over half a century, FAWCO has championed the rights of overseas citizens to vote. We support the current UOCAVA framework, which works safely, reliably and with no evidence of abuse, as designed. Introducing proof-of-citizenship requirements without the creation of an appropriate, secure technological infrastructure would endanger both voters and election integrity.

For these reasons, we strongly urge the Election Assistance Commission to reject the petition submitted by the America First Legal Foundation. This proposal would harm, not help, American voters living overseas, and would undermine one of the most successful voting programs in our country's history.

Respectfully submitted,

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