

March 25, 2026

Dear Senator:

The American Civil Liberties Union urges you to vote NO on advancing S. 1383, the so-called SAVE America Act, including Senate Amendment 4420 offered by Senator Schmitt. This bill is based on falsehoods about our elections and could prevent millions of eligible U.S. citizens from being able to cast a ballot. Instead of pursuing baseless legislation that would make it drastically harder for eligible voters to vote, Congress should advance legislation that increases access to our democracy, including the John R. Lewis Voting Rights Advancement Act, Freedom to Vote Act, Washington, D.C. Admission Act, Native American Voting Rights Act, and major sustained federal funding for local election administration.



This Legislation Could Disenfranchise Millions of Eligible Voters

The SAVE America Act represents a repackaged SAVE Act (H.R. 22) with additional layers of restrictive voting policies. It would require all voters to present citizenship documents like passports or birth certificates to register to vote and update their voter registration information. Millions of eligible voters do not have ready access to these documents, often due to logistical and financial barriers. Half of American citizens do not have a passport,¹ and a recent study found that more than 21 million Americans lack easy access to the proof-of-citizenship documents this bill would require.² When Kansas enacted a similar law over a decade ago, a federal court found it unconstitutional based on the severe burden it placed on qualified Kansans attempting to register — over 30,000 of whom, 12% of applicants, were unfairly denied the ability to register.³ Furthermore, these burdensome requirements would make it more difficult for the millions of Americans who have changed their names to register, including as many as 69 million women who have changed their names due to marriage.⁴

The SAVE America Act would also force states to turn over sensitive voter data to the federal government and engage in faulty voter list maintenance activities that could result in countless eligible voters being removed from voter rolls potentially days before an election, with no required notice. It undermines

¹ Center for American Progress, “The SAVE Act Would Disenfranchise Millions of Citizens,” available at <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>

² Hanmer, M., Novey, S., Rothschild, J. (2024). *Who Lacks ID in America Today? An Exploration of Voter ID Access, Barriers, and Knowledge*. University of Maryland Center for Democracy and Civic Engagement, available at <https://cdce.umd.edu/sites/cdce.umd.edu/files/pubs/Voter%20ID%20survey%20Key%20Results%20June%202024.pdf>

³ *Fish v. Schwab*, 957 F.3d 1105 (10th Cir. 2020)

⁴ Center for American Progress, “The SAVE Act Would Disenfranchise Millions of Citizens,” available at <https://www.americanprogress.org/article/the-save-act-would-disenfranchise-millions-of-citizens/>

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election administration and threatens hardworking election officials with criminal liability if they mistakenly register a voter without sufficient proof of citizenship, even if that voter is in fact an eligible citizen. This legislation imposes significant new burdens and costs on state and local election officials — who are already vastly underfunded and understaffed — for no legitimate purpose and without providing any funding. Election worker turnover and recruitment continue to be major challenges in localities across the country and the SAVE America Act will only exacerbate these challenges.

Moreover, this legislation would force states to impose extreme photo ID requirements to vote that are more restrictive than virtually every state, compounding barriers for millions of eligible voters. The SAVE America Act would shut countless Americans out of our democracy and undermine election administration, disproportionately impacting voters of color, naturalized citizens, Native American voters, those with disabilities, rural voters, voters with low incomes, older voters, young voters, and married women and others who have changed their name.

Senate Amendment 4420 would make this harmful legislation even more extreme by ending universal mail voting and no-excuse absentee voting, codifying excuse requirements for absentee voting that are stricter than rules in every state. These excuse requirements also exclude large segments of the over 40 million⁵ eligible voters with disabilities who already face long-standing systemic barriers to full participation in our democracy. Vote by mail is a safe and proven method of voting relied on by millions of voters across the country, especially those with disabilities, older voters, those without access to transportation, voters whose shift schedules make in-person voting difficult, and many others who need the flexibility it provides.

Extreme Attacks on the Transgender Community

Senate Amendment 4420 also includes several extreme provisions singling out the transgender community that have absolutely nothing to do with voting rights. Sec. 201 of Title II would amend Section 901 of the Education Amendments of 1972 to make it illegal for schools receiving federal funding to allow transgender girls - including those in elementary schools - to play on school sports teams for girls. Under Title IX, all girls, including those who are transgender, should be able to participate fully and equally in athletics in accordance with who they are. Our nation's schools should be places that create a supportive environment where every student can thrive by receiving an education and being able to fully participate in school activities. This provision would dismantle this cornerstone promise for students who are transgender.

⁵ Schur, Lisa, and Douglas Kruse. 2024. "Projecting the Number of Eligible Voters with Disabilities in the November 2024 Elections," *available at* https://smlr.rutgers.edu/sites/default/files/Documents/Centers/Program_Disability_Research/Disability_Electorate_Projections_Report_Oct2024.pdf.

In addition, this provision could subject all girls, whether transgender or not, who wish to participate in school sports to highly invasive and traumatizing sex testing for the purpose of determining whether they are “biological” girls. Unsurprisingly, this provision does nothing to “save” American sports by addressing the actual barriers facing female students wishing to participate in school athletics. Instead, it targets a very small, already vulnerable group of people for further discrimination and marginalization, while inviting deeply invasive investigations that could negatively impact the freedom and dignity of all girls and women in sports.

Sec. 301 of Title III would make the provision of medically sound health care a felony and subject providers of lifesaving gender-affirming medical care to those under the age of 18 to hefty fines and up to 10 years in federal prison. At the same time that this extreme provision criminalizes health care for transgender youth, it explicitly endorses non-consensual surgical procedures on intersex youth and infants.

As a matter of privacy, equality, and bodily autonomy, transgender people have a fundamental right to access gender-affirming medical care. Every leading medical and mental health organization in the country - including the American Medical Association and the American Academy of Pediatrics - agree that this health care is necessary, effective, safe, and even lifesaving. By criminalizing health care for transgender youth, this provision creates an incredibly dangerous precedent far beyond the specific care at issue, criminalizing care based on ideology and placing Washington politicians between families and their doctors. Parents should never be prohibited by politicians from doing what is best for their children. Parents of transgender children often spend years considering how best to support their children only to have ill-equipped politicians interfere by attempting to criminalize the health care that they, their children, and their doctors believe is necessary to allow their children to thrive.

These families deserve trust, respect, and privacy as they make important medical decisions, free from political interference and extreme criminal sanctions from Washington.

Broader Anti-Democracy Abuses of Power

The renewed push to enact the SAVE Act and its more extreme versions comes amid ongoing abuses of power that collectively pose unprecedented threats to American democracy. President Trump and his administration have worked tirelessly to make it harder for eligible voters to cast ballots that count. In a major overreach of executive power, President Trump issued an executive order last March that sought to impose similar citizenship documentation requirements when registering to vote through the national mail voter registration form. A federal court permanently blocked this provision since the Constitution gives

states and Congress, not the President, the authority to regulate elections.⁶ The President's executive order also attempts to force states to enact these show-your-papers requirements and to stop counting mail ballots postmarked by Election Day but received shortly after through threats of withholding federal funding. President Trump also explicitly called for Republican state lawmakers to redraw maps to cement his political power against the will of the voters, initiating a mid-decade redistricting race to the bottom.

From the start of this administration, the U.S. Department of Justice ("DOJ") completely abandoned its role of enforcing federal voting laws to protect voters of color, opting instead to weaponize federal voting and civil rights laws to suppress voting. In lawsuits across more than twenty jurisdictions, the DOJ has demanded full, unredacted voter rolls — including names, addresses, dates of birth, driver's license numbers, and partial Social Security numbers — for pretextual reasons and without clear explanation of how this sensitive data will be used or protected.⁷ Recent events underscore the United States' improper purpose here: On January 24, 2026, Attorney General Pam Bondi publicly issued a letter to Minnesota Governor Tim Walz suggesting that Operation Metro Surge, which involves unprecedented actions and well-documented abuses by United States Immigration and Customs Enforcement ("ICE") within the state, is somehow tied to, among other things, Minnesota's refusal to turn over its voter rolls. These actions pose a profound threat to the privacy and security of voters' personal information and risk its misuse by the federal government for mass disenfranchisement and other constitutional violations.

Recently, the Federal Bureau of Investigation raided an elections office in Fulton County, Georgia to seize ballots as part of President Trump's ongoing fixation on his 2020 election loss — results that have been verified in multiple state and federal investigations. U.S. Attorney General Pamela Bondi has appointed the U.S. attorney responsible for the Fulton County raid to conduct investigations of election officials nationwide.

These attacks on the freedom to vote and local election administration are occurring while federal immigration agents continue to brutalize our communities, kidnap our neighbors, and violate constitutional protections that are foundational to our democracy, including the right to protest and freedom of the press. The SAVE Act, SAVE America Act, and MEGA Act are attempts to distract from these federal abuses of power while silencing voters who seek to hold this administration accountable at the ballot box.

⁶ ACLU, "Court Strikes Down Key Part of Trump's Unlawful Voting Executive Order, Permanently Blocking Show-Your-Papers Requirement," *available at* <https://www.aclu.org/press-releases/court-strikes-down-key-part-of-trumps-unlawful-voting-executive-order-permanently-blocking-show-your-papers-requirement>

⁷ ACLU, "ACLU Fights DOJ Overreach to Protect Voter Privacy and Sensitive Data," *available at* <https://www.aclu.org/aclu-fights-doj-overreach-to-protect-voter-privacy-and-sensitive-data>

To conclude, The SAVE Act, SAVE America Act, and MEGA Act are grounded in falsehoods about our elections and immigrant communities that seek to spread fear and division, as well as dissuade eligible citizens of color from exercising their constitutional right to vote. Our existing laws and election processes already work to ensure that only eligible voters can vote, and assertions of widespread voter fraud have been proven false time and time again.⁸ The ACLU urges you to reject these harmful bills and the falsehoods on which they are based, and instead focus on strengthening our democracy by advancing the John R. Lewis Voting Rights Advancement Act, Freedom to Vote Act, Native American Voting Rights Act, and Washington, D.C. Admission Act. Please do not hesitate to contact Xavier Persad at xpersad@aclu.org with any questions.

Sincerely,



Christopher Anders
Director, Democracy and Technology Division



Xavier Persad
Senior Policy Counsel

⁸ Famighetti, C., Keith, D., & Pérez, M. (2017). *Noncitizen voting: The missing millions*. Brennan Center for Justice at New York University School of Law, available at <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-missing-millions>