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Documentary Proof of Citizenship and Voter Identification in Federal Elections

A Policy Analysis of the SAVE America Act, Related Executive Actions, Judicial Rulings, and Implications for New Jersey Voters

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Executive Summary

This report analyzes federal proposals to require documentary proof of United States citizenship for voter registration and photo identification for voting in federal elections, evaluates who would be affected by such requirements and how, reviews the judicial rulings that have addressed them, and explains where New Jersey law stands. It is organized around a distinction that every reader should keep in view: the difference between what has been **enacted**, what has been **proposed**, and what has been **blocked by the courts**.

As of October 24, 2026, no new federal documentary proof of citizenship requirement and no new federal photo identification requirement is in force for the November 3, 2026 midterm elections. The Safeguard American Voter Eligibility (SAVE) Act passed the House of Representatives in 2024 and again in April 2025, and its successor, the SAVE America Act, passed the House on February 11, 2026, but the legislation has repeatedly failed in the Senate, most recently in a 48 to 50 amendment vote on June 4, 2026 (Democracy Docket 2026; NPR 2026). The Senate has since rejected a related amendment, on June 5, 2026, and declined to take up a narrower photo identification bill, on August 8, 2026 (U.S. Senate 2026b, 2026c). Two presidential executive orders have sought to impose citizenship documentation and verification measures by administrative direction. The central provisions of Executive Order 14248 (March 2025) remain enjoined by federal courts, which held that the Constitution assigns authority over federal election regulation to Congress and the states rather than to the President. Executive Order 14399 (March 2026) was declared void and enjoined on June 25, 2026 in a multistate challenge in which New Jersey was a plaintiff, but on August 24, 2026 the Supreme Court stayed that injunction, 6 to 3, concluding that the states likely lacked standing and that their challenge to the order's Postal Service provisions was not yet ripe; the Court did not decide whether the order is lawful (*Trump v. California*, No. 26A124 (U.S. Aug. 24, 2026)). The Postal Service rule later issued under that order, which would have conditioned the mailing of ballots on federal enrollment and envelope standards, has been enjoined nationwide for the November 2026 election, and on September 14, 2026 the Supreme Court declined to lift that injunction (*United States Postal Service v. California*, No. 26A305 (U.S. Sept. 14, 2026)). Separately, on September 25, 2026, the Supreme Court stayed a ruling that had set aside the Department of Homeland Security's expanded SAVE citizenship-verification program, which Executive Order 14248 directed; a state or local agency that uses the program must ask a voter for proof of citizenship when the

program cannot confirm it (*Department of Homeland Security v. League of Women Voters*, No. 26A308 (U.S. Sept. 25, 2026)).

The registration rules that governed federal elections before January 2025 therefore remain the rules today. Under the National Voter Registration Act of 1993, an applicant attests to citizenship under penalty of perjury; no document is required. New Jersey follows the attestation model, requires no proof of citizenship to register, and requires no identification from most voters at the polls. The only identification requirement in New Jersey applies to certain first-time voters who registered by mail, under a federal rule that predates the current administration.

If the proposed federal requirements were enacted, their practical burden would fall unevenly, because the qualifying documents are tied to the name on a birth record or to a passport. Birth certificates are not amended upon marriage or divorce. Survey research by the Pew Research Center found that 79 percent of women in opposite-sex marriages took their spouse's surname and another 5 percent hyphenated, meaning roughly five of every six married women hold a birth certificate that does not display their current legal name (Pew Research Center 2023). Analyses building on that finding estimate that as many as 69 million American women lack a birth certificate matching their legal name (Center for American Progress 2025a). A 2023 national survey found that more than 21 million voting-age citizens do not have proof of citizenship readily available (Brennan Center for Justice 2024). Transgender Americans face compounded documentation gaps: in the largest national survey, only 11 percent reported that all of their identification documents reflected their current name and gender (James et al. 2016). These are observed documentation patterns, not partisan claims, and this report presents the sponsors' stated election-integrity rationale alongside them.

The experience of New Hampshire, the first state to implement a strict documentary proof requirement after 2024, illustrates the mechanism in practice. On May 28, 2026, a federal court struck down that state's law after trial evidence showed eligible voters turned away, including a recently divorced woman whose name no longer matched her records, and the court found the law would have *"a particularly detrimental impact on young residents and married women"* (New Hampshire Bulletin 2026).

Finally, this report corrects a common misconception about midterm participation. No state, including New Jersey, requires membership in a political party to vote in a November general election. Party

affiliation matters only in primary elections. New Jersey conducts closed primaries, but an unaffiliated voter may declare a party at the polls on primary day and vote immediately.

The closing section provides practical, nonpartisan guidance on documentation consistency for residents whose legal name or other identity information has changed, framed as general good record keeping rather than as a requirement for voting in 2026, which it is not.

I. Introduction, Scope, and Method

Public discussion of the 2026 midterm elections has featured claims that new federal identification and citizenship documentation rules will govern registration and voting this November. The purpose of this report is to establish, with precision, what those proposals actually contain, what their legal status is, who would be affected if they took effect, and what New Jersey law currently requires. Agard Research Associates Inc. (ARA) is a nonpartisan institute; this analysis neither supports nor opposes the measures it describes. Where the report presents evidence of disparate burden, it does so because the evidence is empirically documented, and it presents the stated purposes of the measures with equal care.

The report proceeds in four analytical parts, matching the questions a New Jersey reader is most likely to bring to the subject. Section 3 explains the provisions of the SAVE America Act (H.R. 7296), the most recent and most comprehensive version of the legislation, and notes how it differs from its 2025 predecessor, H.R. 22. Section 4 identifies the populations whose documents would most often fail to match the statute's requirements and quantifies those populations using survey and administrative data. Section 5 reviews the executive orders that attempted to impose similar requirements by administrative direction and the court rulings that have addressed them. Section 6 sets out New Jersey's current registration and identification rules, corrects a common misconception about party registration and midterm voting, and explains what the federal government constitutionally can and cannot do in this area. Section 7 offers practical documentation guidance, and Section 8 identifies the developments that could change this report's conclusions.

Method and sourcing

The analysis of legislation rests on the official texts of H.R. 22 (as passed by the House on April 10, 2025) and H.R. 7296 (as introduced on January 30, 2026), read directly rather than through secondary characterizations. The analysis of executive action rests on the orders as published in the Federal Register and on the courts' own opinions. Empirical claims about affected populations are drawn from named surveys and administrative sources, each cited in the References. Several of the organizations that have produced relevant data, including the Brennan Center for Justice and the Center for American Progress, also oppose the legislation; their figures are used here because they rest on transparent survey methods, have been relied on by neutral fact-checking organizations, and are the best available estimates, and their

institutional perspective is disclosed. Sources supporting the legislation, including sponsor statements and the New Jersey Senate resolution urging its passage, are cited on the same terms. Citations follow the American Political Science Association style, with legal authorities cited in Bluebook form, per the ARA Citation Standards Reference (version 2.0, February 2026).

A note on timing

Election law in this area is moving quickly. Every status statement in this report was accurate as of July 1, 2026; the Executive Summary and Sections 3.1, 5.3, 5.5, 6.5, and 8 were updated on October 24, 2026 to reflect later court rulings and Senate action. Section 8 lists the specific events, including pending appeals, that could alter the picture before November. Readers should treat the court orders described in Section 5 as current but subject to appellate review.

2. The Legal Baseline: Federal Voter Registration Before January 2025

Understanding what the current proposals would change requires a clear picture of the system they would change. Congress enacted the National Voter Registration Act of 1993 (NVRA) to simplify registration for federal elections. The NVRA requires states to offer registration through motor vehicle agencies, by mail using a national form, and at designated public agencies. The national mail form, maintained by the U.S. Election Assistance Commission (EAC), requires the applicant to attest, under penalty of perjury, that he or she is a United States citizen. It does not require a document proving citizenship. Noncitizen registration and voting in federal elections are separately prohibited by federal criminal law, punishable by fine and imprisonment (18 U.S.C. § 611).

The attestation model is not an oversight; it has been tested and affirmed. In *Arizona v. Inter Tribal Council of Arizona, Inc.* (2013), the Supreme Court held that the NVRA requires states to accept and use the federal form as it stands, preempting Arizona's attempt to demand documentary proof of citizenship from federal-form applicants. The following year, the EAC formally declined requests from Arizona, Kansas, and Georgia to add documentary proof instructions to the form, concluding that the states had not shown the requirement to be necessary to assess eligibility (U.S. Election Assistance Commission 2014). A related Kansas state-law requirement was later invalidated in federal litigation after evidence showed it

had blocked the registrations of more than 31,000 eligible citizens; the court of appeals affirmed in *Fish v. Schwab* (2020).

One targeted federal identification rule does exist, and it predates the current administration by more than two decades. Under the Help America Vote Act of 2002 (HAVA), a person who registers by mail and has not had a driver's license number or Social Security number verified must show identification the first time he or she votes (52 U.S.C. § 21083(b)). The acceptable documents are broad, including a current photo identification or a utility bill, bank statement, paycheck, or government document showing name and address. This narrow first-time-voter rule is the only identification requirement New Jersey applies at the polls, as Section 6 explains.

At the state level, documentary proof of citizenship remained rare before 2025. As of March 2026, twelve states had adopted such requirements in at least some circumstances, several of them unimplemented or conditional (Ballotpedia 2026). Two developments in 2024 previewed the current debate: the House of Representatives passed the first version of the SAVE Act (H.R. 8281) on July 10, 2024, without Senate action, and New Hampshire enacted a strict state documentary proof law that took effect that November. Both threads, the federal legislative effort and the New Hampshire experience, run through the remainder of this report.

The baseline, then, is straightforward. Before January 2025, and still today, a citizen registering for federal elections in New Jersey or through the federal form proves citizenship by sworn attestation, and most New Jersey voters show no document at the polls. Everything described in the next section is a proposal to change that baseline; none of it has become law.

3. Statutory Analysis: The SAVE America Act (H.R. 7296)

This section describes what the legislation would do, provision by provision, in plain language. Consistent with ARA's nonpartisan mandate, it characterizes the text rather than evaluating it; the measured effects and the empirical context appear in Section 4. Statutory citations refer to H.R. 7296 as introduced on January 30, 2026, and to the sections of the NVRA it would amend.

3.1 Legislative history and current status

The Safeguard American Voter Eligibility Act has now passed the House of Representatives in three successive forms. H.R. 8281 (118th Congress) passed on July 10, 2024 and died without Senate action. H.R. 22 (119th Congress), sponsored by Representative Chip Roy of Texas, passed the House 220 to 208 on April 10, 2025 and stalled in the Senate. The current version, styled the SAVE America Act and introduced as H.R. 7296 on January 30, 2026 with a Senate companion sponsored by Senator Mike Lee of Utah, passed the House 218 to 213 on February 11, 2026, with one Democrat joining the majority (Wikipedia contributors 2026; Brennan Center for Justice 2026).

In the Senate, the bill has repeatedly failed to advance. A March 2026 floor effort did not achieve the sixty votes needed to overcome a filibuster (Vote.org 2026). Subsequent attempts to attach the bill to party-line funding packages also failed. On June 4, 2026, an amendment offered by Senator Lindsey Graham was defeated 48 to 50, with Senators Susan Collins, Lisa Murkowski, Mitch McConnell, and Thom Tillis joining all voting Democrats and independents in opposition (Democracy Docket 2026; Fox News 2026; U.S. Senate 2026a). On June 5, 2026, a motion to waive budget rules for a related amendment offered by Senator Mike Lee, whose stated purpose was to limit registration to citizens and require photo identification, received 50 votes to 49, short of the 60 required (U.S. Senate 2026b). Senate Majority Leader John Thune has indicated that Republicans lack the votes to eliminate the filibuster to pass the measure (NPR 2026). A House attempt on June 30, 2026 to bind the bill to the National Defense Authorization Act through a procedural device failed when several Republicans opposed the maneuver (The Hill 2026). On August 8, 2026, a cloture motion to take up S. 5271, a narrower bill limited to a photo identification requirement for voters, failed 52 to 46, short of the 60 votes required (U.S. Senate 2026c). As of October 24, 2026, the SAVE America Act is not law, and no Senate passage is scheduled.

3.2 Stated purpose

The bill's sponsors describe its purpose as ensuring that only United States citizens register and vote in federal elections and restoring public confidence in election outcomes. The findings recited in New Jersey Senate Joint Resolution 87, which urges the U.S. Senate to pass the bill, capture the supporting rationale: federal law prohibits noncitizen voting but does not require documentary proof at registration, streamlined motor-vehicle registration has in some instances erroneously registered noncitizens, and public concern about ineligible voting erodes confidence in elections (S.J. Res. 87, N.J. 2026). Public opinion research in

2024 found large majorities favoring proof of citizenship for first-time registrants (FactCheck.org 2026). Section 4.6 places these purposes alongside the empirical record on noncitizen voting.

3.3 What counts as documentary proof of citizenship

Section 2(a) of the bill amends Section 3 of the NVRA (52 U.S.C. § 20502) to define *"documentary proof of United States citizenship"* as any one of the following:

- A form of identification issued consistent with the REAL ID Act of 2005 that indicates the applicant is a citizen of the United States.
- A valid United States passport.
- An official United States military identification card, together with a military service record showing a birthplace in the United States.
- A valid government-issued photo identification card, issued by a federal, state, or tribal government, showing a birthplace in the United States.
- Any other valid government-issued photo identification card, but only if presented together with at least one supporting document: a certified birth certificate meeting seven enumerated criteria (including full name, date and place of birth, parents' names, official signature, filing date, and seal); an extract from a U.S. hospital record of birth created at the time of birth; a final adoption decree showing a U.S. birthplace; a Consular Report of Birth Abroad or State Department certification of birth of a U.S. citizen; a Naturalization Certificate, Certificate of Citizenship, or other federal proof of citizenship issued under the Immigration and Nationality Act; or an American Indian Card issued by the Department of Homeland Security with the classification KIC.

Two features of this list carry most of the practical weight. First, an ordinary driver's license does not qualify by itself, and neither does a standard REAL ID, because standard REAL ID credentials do not indicate citizenship; lawfully present noncitizens can hold them. Only the enhanced driver's licenses issued by five states (Michigan, Minnesota, New York, Vermont, and Washington) display citizenship, and New Jersey is not among them (U.S. Department of Homeland Security 2026). Second, for anyone relying on the fifth pathway, the linkage runs through a birth record, and birth records display the name given at birth. The consequences of that design are the subject of Section 4.

3.4 The registration requirement and in-person presentation

Section 2(b) rewrites Section 4 of the NVRA to provide that, under any method of voter registration, a state shall not accept and process an application to register for federal elections unless the applicant presents documentary proof of citizenship with the application. Section 2(f) adds a parallel command, new NVRA Section 8(j)(1): notwithstanding any other provision of the Act, no state may register an individual for federal elections unless the individual provides documentary proof of citizenship at the time of application.

For applicants who use the national mail form or an equivalent state mail form, Section 2(d) adds new NVRA Section 6(e): the applicant is not registered unless he or she presents the documentary proof in person, either at the office of the appropriate election official by the state's registration deadline or, in states with same-day registration, at the polling place by election day. Election officials must notify mail applicants of the requirement, and states must, in consultation with the EAC, provide reasonable accommodations for applicants with disabilities. Because the presentation must be made in person, the practical effect described by election administration analysts is that purely online and purely by-mail registration could not, by themselves, complete a registration; in 2022, only about 6 percent of registrants nationwide registered in person at an election office (Vote.org 2026). Section 2(c) applies the same conditions to motor-vehicle registration, and Section 2(e) requires public assistance and other designated agencies to ask each applicant whether he or she is a citizen and to require documentary proof before providing a registration form.

3.5 Alternative processes: applicants without documents and applicants with discrepancies

The bill contains two safety-valve processes, both delegated to the states subject to EAC guidance. Under new NVRA Section 8(j)(2)(A), a state must establish a process for an applicant who cannot provide any of the listed documents: the applicant may sign an attestation under penalty of perjury of citizenship and eligibility and submit other evidence of citizenship, and a state or local official then determines whether citizenship has been sufficiently established. If the official registers the applicant, the determination must be accompanied by an affidavit, on a uniform EAC-developed form, signed by the official, explaining the basis for the registration under minimum standards the EAC is to specify.

Under new Section 8(j)(2)(B), a state must also establish a process for an applicant to provide additional documentation as necessary to establish citizenship in the event of a discrepancy in the applicant's documentary proof. This is the provision that governs the most common real-world scenario, a birth certificate bearing a former name. The text as introduced does not enumerate which linking documents a state must accept, does not mention name changes expressly, and does not include an applicant-signed affidavit option for name discrepancies; those details are left to state processes under whatever guidance the EAC adopts. New Hampshire's implementation of its own state law offers a concrete model of how such processes operate: applicants whose names had changed were instructed to present the document chain connecting the birth name to the current legal name, usually a marriage certificate, divorce decree, or court name-change order (League of Women Voters of New Hampshire 2026).

3.6 List maintenance, data sharing, and removal

New Section 8(j)(3) requires each state to take affirmative, ongoing steps to ensure that only citizens are registered, including establishing, within 30 days of enactment, a program to identify registrants who are not citizens using one or more listed sources: the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) system, the Social Security Administration's number verification service, state agencies that confirm citizenship when issuing licenses or identification cards, and other databases confirming citizenship status (new § 8(j)(4)).

New Section 8(j)(5) requires the head of any federal department or agency possessing relevant information to respond to a state election official's request within 24 hours, including in batch form, to enable verification of an applicant's or registrant's citizenship, without charging a fee. Federal agencies must share information with one another to answer such requests. If a federal determination indicates that a noncitizen is unlawfully registered, the Secretary of Homeland Security must investigate whether to initiate removal proceedings under Section 239 of the Immigration and Nationality Act. New Section 8(k) requires a state to remove from the federal-election rolls, at any time, any individual shown by documentation or verified information not to be a citizen, and Section 2(g) adds the same ground to the NVRA's general list-maintenance provisions.

3.7 Enforcement: criminal penalties and private suits

Section 2(j) amends the NVRA's criminal provision (52 U.S.C. § 20511) to add two offenses: for an executive branch officer or employee, providing material assistance to a noncitizen attempting to register or vote; and, for any person, registering an applicant for federal elections who fails to present documentary proof of citizenship. The NVRA's existing penalty applies: a fine under Title 18, imprisonment up to five years, or both. Section 2(i) amends the private right of action (52 U.S.C. § 20510(b)(1)) to state expressly that a person aggrieved by an election official's registration of an applicant who failed to present documentary proof may sue. Election officials would therefore face both criminal exposure and private litigation exposure for registration decisions, including decisions made under the discretionary processes described in Section 3.5; analysts across the spectrum have observed that this combination is likely to make officials cautious in exercising that discretion (Brennan Center for Justice 2026).

3.8 The photo identification requirement for voting (Section 3 of the bill)

Section 3 is new to the 2026 version and extends the bill from registration to the act of voting. It provides that each individual voting in a federal election shall present an eligible photo identification document. For in-person voting, the document must be tangible, not digital, and presented at the time of voting. For absentee voting, the voter must include a copy of the document twice: once with the request for the ballot and again with the submission of the voted ballot.

An eligible document must be issued by one of six authorities: a state motor vehicle licensing agency, a state or local election office, a Native tribal government, the Department of State, the Department of War (the secondary designation adopted for the Department of Defense in 2025), or a branch of the Armed Forces. It must contain a photograph, an indication on the front of the document that the person is a United States citizen, and either an identification number issued by the motor vehicle agency or the last four digits of the person's Social Security number.

Because ordinary driver's licenses do not display citizenship, the front-of-document citizenship requirement would be the operative constraint for most voters. The bill supplies two alternatives. First, a document lacking the citizenship indication still qualifies if presented together with another identification document that indicates citizenship. Second, the citizenship-indication requirement is waived for a voter

in a state that has submitted its voter registration rolls to the DHS SAVE system at least quarterly since June 1, 2025 and that marks each verified voter's record with the verification and its date, but only for voters who registered before the state's most recent submission. The June 1, 2025 start date is written into the text; a state that has not been making quarterly submissions since that date could not newly qualify after enactment. Section 3(d) makes a conforming change to HAVA, striking the provisions of 52 U.S.C. § 21083(b) that precede paragraph (4), which contain the existing first-time mail-registrant identification rule and its associated procedures. The text of Section 3 does not itself provide a fail-safe or provisional-ballot mechanism for a voter who lacks an eligible photo identification; the bill's provisional-ballot rule of construction, Section 2(o), addresses verification of citizenship under the registration provisions.

3.9 Administrative provisions and effective dates

The EAC must adopt and transmit implementation guidance to every state's chief election official within 10 days of enactment (§ 2(l)). The Paperwork Reduction Act does not apply to the development or modification of registration materials (§ 2(m)). The Secretary of Homeland Security must promptly notify the appropriate state election official whenever an individual naturalizes (§ 2(n)). The federal mail form must explain the documentary proof requirement and include an official-use section recording the type of document presented, its issuance and expiration dates, the issuing office, and any unique identification number (§ 2(h)). Nothing in the registration title supersedes the ability of an individual verified as a citizen under new Section 8(j) to cast and have counted a provisional ballot (§ 2(o)). A special rule deems a state that does not require voter registration compliant if it confirms citizenship before voting begins and provides that confirmation to polling officials (§ 2(k)). The registration provisions take effect on enactment and apply to applications submitted on or after that date (§ 2(q)); the photo identification requirement applies to all federal elections occurring on or after enactment (§ 3(e)). Both timetables are immediate, with no phase-in period.

3.10 How H.R. 7296 differs from H.R. 22

The 2026 bill retains the 2025 bill's registration architecture, including an identical definition of documentary proof, and adds substantial new material. The principal differences are summarized below.

FEATURE	H.R. 22 (PASSED HOUSE APR. 10, 2025)	H.R. 7296 (INTRODUCED JAN. 30, 2026; HOUSE-PASSED VERSION FEB. 11, 2026)
Short title	SAVE Act	SAVE America Act
Documentary proof definition	Six document categories (§ 2(a))	Identical six categories (§ 2(a))
Photo identification to vote	No provision	Nationwide requirement for in-person and absentee voting, with citizenship indication on the document and limited alternatives (§ 3)
Existing HAVA first-time voter ID rule	Unchanged	Struck and superseded (§ 3(d))
States exempt from the NVRA	Preserves the exemption; exempt states may adopt identical requirements to remain exempt (§ 2(k))	Strikes the exemption provision; adds a special rule only for states without voter registration (§§ 2(b), 2(k))
Structure of administrative provisions	Freestanding sections 3 through 8	Folded into section 2, subsections (l) through (q)
Name-discrepancy process	State process for additional documentation, details unspecified (§ 8(j)(2)(B))	Same delegation to state processes under EAC guidance

One drafting caution for readers comparing press descriptions with bill text: the version the House passed in February 2026 moved through an amended Senate vehicle, and subsequent Senate amendments have been proposed; descriptions of specific subsection language should always be checked against the version under discussion. This report's provision-level analysis follows the introduced text of H.R. 7296, which ARA holds in its files, supplemented by the official bill summary (Congress.gov 2026).

4. Affected Populations: A Documentary Mismatch Analysis

This section identifies who would be affected by the requirements described above and how. The analysis is mechanical rather than political: it asks which documents each pathway requires, which populations hold those documents in a form matching their current legal identity, and what the measurable gaps are. The figures below are estimates from named surveys, presented as estimates.

4.1 The mechanism: name-stable documents and name-linked documents

The document categories in Section 3.3 sort into two groups. A valid U.S. passport and the five-state enhanced driver's licenses are name-stable: they are issued or renewed in the holder's current legal name, so a name change does not create a mismatch, provided the holder has updated the document. Every other pathway is name-linked: it runs through a record fixed at birth (a birth certificate, hospital birth record, or a photo identification displaying birthplace) or through military or naturalization records that may likewise predate a name change. Birth certificates are not amended upon marriage or divorce in any state. A person whose legal name has changed since birth and who does not hold a current passport must therefore establish the link between the birth-record name and the present name, using whatever documents the state's discrepancy process accepts.

Passport possession is the pivotal variable, and it is far from universal. Roughly half of American citizens do not hold a valid passport, and the gap is wider among Black Americans, rural residents, and lower-income households (Center for American Progress 2025a). New Jersey does not issue an enhanced driver's license, so for New Jersey residents the name-stable pathway is, in practice, the passport alone. A 2023 national survey conducted by SSRS for the Brennan Center for Justice, VoteRiders, Public Wise, and the University of Maryland's Center for Democracy and Civic Engagement found that 9.1 percent of voting-age citizens, about 21.3 million people, could not readily access any document proving citizenship, and about 3.8 million lack the documents altogether (Brennan Center for Justice 2024).

4.2 Married women

Marital surname change is the most widespread source of documentary mismatch in the United States, and it falls almost entirely on women. In the Pew Research Center's 2023 national survey, 79 percent of

women in opposite-sex marriages reported taking their spouse's last name and another 5 percent hyphenated, while 14 percent kept their own; among married men, fewer than one in twenty made any change (Pew Research Center 2023). Because a birth certificate permanently displays the birth name, roughly five of every six married women hold a foundational citizenship document that does not match their current legal name. Applying the survey shares to the married female population, the Center for American Progress estimates that as many as 69 million American women, and about 4 million men, lack a birth certificate bearing their legal name (Center for American Progress 2025a). An earlier Brennan Center survey reached a consistent conclusion by a different route, finding that roughly one third of voting-age women lacked a citizenship document reflecting their current legal name (Brennan Center for Justice 2006).

For these voters, the proposed regime would not categorically bar registration; it would add steps whose difficulty depends on record keeping and on state implementation. A woman registering under the fifth pathway would need her birth certificate plus her marriage certificate (or a certified copy, obtainable from the vital records office of the state where the marriage occurred) to bridge the names, or a current passport in her married name. Whether a given state's discrepancy process accepts a marriage certificate, requires certified copies, or demands additional proof is, under the bill text, a matter for state processes and EAC guidance rather than a statutory guarantee.

The asymmetry of this burden has a documented historical dimension that is factual rather than partisan. American naming conventions descend from the common-law doctrine of coverture, under which a married woman's legal identity merged into her husband's. Well into the twentieth century, some jurisdictions enforced the convention through the very systems at issue here: an Illinois appellate court in 1945 upheld the removal of a married woman from the voter rolls for registering under her birth name, and a federal court in 1971 upheld an Alabama regulation requiring a married woman to use her husband's surname on her driver's license, a ruling summarily affirmed by the Supreme Court in *Forbush v. Wallace* (1972). Women have held the constitutional right to vote only since ratification of the Nineteenth Amendment in 1920. The present-day consequence of those conventions is the documentation gap measured above: rules keyed to birth records interact with a naming practice that society has historically expected of women and not of men.

4.3 Divorced individuals

Divorce compounds the mismatch. A person who took a spouse's name and later resumed a prior name carries a chain of at least three names across her documents: the birth name, the married name, and the restored name, the last typically established by a provision in the divorce judgment. Completing the chain can require a certified marriage certificate from one jurisdiction and a certified divorce decree from another, and people who divorced decades ago may no longer hold either. New Hampshire's experience under its 2024 state law made the problem concrete: among the eligible voters documented as turned away during 2025 was a recently divorced woman in Concord whose current name no longer matched her records (Boston Globe 2026).

4.4 Transgender individuals

Transgender Americans face the same name-linkage problem plus a second mismatch in gender markers. In the 2015 U.S. Transgender Survey, the largest national study of this population, only 11 percent of respondents reported that all of their identification documents showed both their preferred name and gender, 68 percent reported that none did, and only 18 percent had updated the gender marker on their birth certificate (James et al. 2016). State rules on amending birth certificates vary widely, and several states do not permit gender-marker amendment at all. Federal policy has also shifted: since early 2025, State Department policy has restricted updates to passport gender markers, which narrows the name-stable pathway for transgender citizens whose passports would otherwise reflect their current identity; aspects of that policy are themselves in litigation (Center for American Progress 2025b). Estimates of the transgender adult population range from roughly 1.3 million to as many as 3.3 million voting-eligible adults, depending on survey and definition, and many have changed their legal names (ACLU of the District of Columbia 2025; Center for American Progress 2025b). For this group, a registration regime keyed to birth records intersects with document systems that many members have been unable, or are not permitted, to align.

4.5 Other affected groups

The same mechanics reach populations beyond the report's focus. Naturalized citizens must rely on naturalization or citizenship certificates, which cost several hundred dollars to replace if lost. Older Americans, particularly Black Americans born in the segregated South, are disproportionately likely

never to have received an official birth certificate. Young voters and students frequently do not hold their citizenship documents at their place of registration; trial evidence in the New Hampshire litigation showed heavy reliance on the state's former attestation option in college towns (New Hampshire Bulletin 2026). Voters with disabilities and rural voters face the in-person presentation requirement with fewer transportation options, which is why the bill's accessibility clause (Section 3.4 above) exists. Finally, because the photo identification title requires absentee voters to submit document copies twice, it would add steps for the military and overseas voters and mail-ballot users of every description.

4.6 The empirical context: measured incidence of noncitizen registration and voting

A balanced analysis must set the measures' stated purpose beside the measured scale of the problem they target. Noncitizen voting is already a federal crime and a deportable offense, and the systematic evidence indicates it is rare. In the most comprehensive study, election officials in 42 jurisdictions covering 23.5 million votes in the 2016 general election referred an estimated 30 suspected incidents of noncitizen voting, about 0.0001 percent of votes cast (Famighetti, Keith, and Pérez 2017). At the New Hampshire trial, the state identified eight instances of noncitizens registering or attempting to register in the periods examined (Boston Globe 2026). Supporters respond that even rare violations undermine confidence, that verification systems create deterrence, and that most Americans favor documentary proof for new registrants (FactCheck.org 2026; S.J. Res. 87, N.J. 2026). The Kansas experience supplies the countervailing measurement: the state's documentary proof law blocked more than 31,000 eligible citizens before it was struck down (*Fish v. Schwab* 2020). Readers can weigh both quantities; this report's role is to state them accurately.

5. Litigation and Judicial Rulings

5.1 The constitutional framework

Three allocation-of-power principles organize every ruling in this area. First, the Elections Clause (U.S. Const. art. I, § 4, cl. 1) gives states the power to regulate the times, places, and manner of congressional elections, and gives Congress the power to make or alter those regulations. The NVRA and HAVA are exercises of that congressional power. Second, voter qualifications are keyed to state law: the Constitution ties the federal electorate to those qualified to vote for the most numerous branch of each state's legislature (art. I, § 2; amend. XVII), subject to the specific constitutional amendments that forbid particular exclusions. Third, no clause assigns the President any role in regulating federal elections. In *Arizona v. Inter Tribal Council of Arizona, Inc.* (2013), the Supreme Court applied the first principle to hold that states must accept and use the federal registration form as Congress's designee, the EAC, has prescribed it. The 2025 and 2026 rulings described below apply the third.

5.2 Executive Order 14248 (March 25, 2025) and its litigation

Executive Order 14248, Preserving and Protecting the Integrity of American Elections (90 Fed. Reg. 14,005), directed the EAC to add a documentary proof of citizenship requirement to the federal form (§ 2(a)); directed federal registration agencies to assess citizenship before giving the form to public assistance enrollees (§ 2(d)); directed the Secretary of Defense to add citizenship documentation to the Federal Post Card Application used by military and overseas voters (§ 3(d)); and directed enforcement and funding measures against states that count mail ballots received after Election Day (§§ 7(a), 7(b)).

Nonprofit organizations and Democratic Party plaintiffs sued in the District of Columbia in consolidated cases captioned *League of United Latin American Citizens v. Executive Office of the President*. On April 24, 2025, Judge Colleen Kollar-Kotelly preliminarily enjoined Sections 2(a) and 2(d), reasoning that the Constitution entrusts the regulation of federal elections to Congress and the states rather than to the President (780 F. Supp. 3d 135). On October 31, 2025, the court granted partial summary judgment and permanently enjoined the EAC, its commissioners, and its executive director from taking any action to implement Section 2(a), including any modification of the federal form to require documentary proof of citizenship (808 F. Supp. 3d 29). That judgment is on appeal.

A parallel suit by state plaintiffs, *California v. Trump*, No. 25-cv-10810 (D. Mass.), produced a June 13, 2025 preliminary injunction covering, as to the plaintiff states, Sections 2(a), 2(d), 3(d), and 7(b), and Section 7(a) in part. The court issued its decision on the parties' summary judgment motions on June 24, 2026. As of this writing, the central citizenship-documentation provisions of the 2025 order remain blocked, and the EAC has made no change to the federal form (Votebeat 2026).

5.3 Executive Order 14399 (March 31, 2026) and its litigation

Executive Order 14399, Ensuring Citizenship Verification and Integrity in Federal Elections (91 Fed. Reg. 17,125), took a different administrative route. Section 2 directed the Department of Homeland Security, coordinating with the Social Security Administration, to compile a State Citizenship List for each state, naming individuals confirmed as citizens, over 18, and resident in the state, drawn from federal citizenship and naturalization records, Social Security records, and the SAVE database, with the infrastructure built by June 29, 2026 and lists transmitted to state election officials at least 60 days before each federal election. Section 3 directed the Postal Service to propose rules under which states using mail ballots would furnish lists of approved voters, the Postal Service would maintain its own enrollment, and the ballot of any voter not enrolled would not be transmitted; the Postal Service published the proposed rule, Ballot Mail for Federal Elections, on June 2, 2026 (91 Fed. Reg. 32,915).

Twenty-two states, including New Jersey, together with the District of Columbia and the Governor of Pennsylvania, filed suit in the District of Massachusetts on April 3, 2026 (*California v. Trump*, No. 26-cv-11581), contending that Sections 2, 3, and 5 were beyond presidential authority and violated the separation of powers, the Elections and Electors Clauses, and the Tenth Amendment; twelve other states later intervened to defend the order (Civil Rights Litigation Clearinghouse 2026). On June 25, 2026, Judge Indira Talwani granted the plaintiff states summary judgment, declaring Sections 2 and 3 void as ultra vires and unconstitutional and Section 5 merely precatory, and enjoining implementation as to the plaintiff jurisdictions for the November 3, 2026 election and all earlier federal elections. The court wrote that *"the Constitution does not grant the President any specific powers over elections,"* reasoning that citizen-list compilation backed by enforcement threats would impermissibly superintend the states' management of their own voter rolls, and that no statute authorizes the Postal Service to condition ballot delivery on federal enrollment (slip op., June 25, 2026). The ruling had two limits: it protected only the plaintiff jurisdictions, of which New Jersey is one, and it covered only the 2026 and earlier elections, with

challenges concerning future elections dismissed as not yet ripe (Votebeat 2026). The court entered final judgment on July 7, 2026, and the government appealed to the First Circuit (Final Judgment, ECF No. 207).

On July 25, 2026, a divided First Circuit panel denied a stay pending appeal (*California v. Trump*, Nos. 26-1774, 26-1779 (1st Cir. July 25, 2026)). On August 24, 2026, the Supreme Court granted the stay, 6 to 3, in an unsigned opinion (*Trump v. California*, No. 26A124 (U.S. Aug. 24, 2026)). The majority concluded that the states likely lacked standing to challenge Sections 2(a) and 2(b), which it read as internal directives and enforcement priorities that impose no obligations on the states, and that the challenge to Section 3 was premature because, when the suit was filed, Section 3 only directed the Postal Service to begin a rulemaking and no rule yet existed. The Court did not decide whether the order is lawful, and it stated that the states could challenge a final Postal Service rule that harmed them. Justice Sotomayor, joined by Justice Kagan, and Justice Jackson dissented. While the stay remains in effect, pending the First Circuit appeal and any petition for certiorari, the June 25 injunction does not protect New Jersey or any other plaintiff jurisdiction.

A parallel suit by the League of Women Voters of Massachusetts and other organizations, consolidated with the states' case for limited briefing and hearing purposes, followed a similar course. On August 11, 2026, Judge Talwani granted those plaintiffs a preliminary injunction barring the Postal Service from implementing Section 3 for the 2026 elections (*League of Women Voters of Massachusetts v. Trump*, No. 1:26-cv-11549 (D. Mass. Aug. 11, 2026), ECF No. 183). The Postal Service announced its final rule, Ballot Mail for Federal Elections, on August 21, 2026, and published it on August 26 (91 Fed. Reg. 54,966). On August 26, relying on the Supreme Court's reasoning, the court granted the government's motion for reconsideration and vacated the August 11 injunction (*id.*, ECF No. 204).

The challenges then turned to the final rule. New Jersey, 22 other states, the District of Columbia, and the Governor of Pennsylvania filed a new suit against the Postal Service on August 26, 2026 (*California v. United States Postal Service*, No. 1:26-cv-13917 (D. Mass.)). Acting on that suit and on the League plaintiffs' supplemental complaint, the court entered a temporary restraining order on August 27 and, on September 4, 2026, a preliminary injunction barring the Postal Service from implementing the rule's mandatory provisions for elections held on or before November 3, 2026 (*League of Women Voters of Massachusetts v. Trump*, No. 1:26-cv-11549 (D. Mass. Sept. 4, 2026), ECF No. 285). The First Circuit denied a stay on September 10, 2026 (*League of Women Voters of Massachusetts v. Trump*, No. 26-2029

(1st Cir. Sept. 10, 2026)). On September 13, 2026, Judge Carl Nichols of the District of Columbia separately enjoined the rule in consolidated cases brought by Democratic Party committees and civil rights organizations (*DSCC v. Trump*, No. 26-cv-01114 (D.D.C. Sept. 13, 2026)). On September 14, 2026, the Supreme Court denied the government's application to stay the Massachusetts injunction (*United States Postal Service v. California*, No. 26A305 (U.S. Sept. 14, 2026)). Justice Kavanaugh, concurring, saw at least a fair prospect that the rule falls within the Postal Service's statutory authority but reasoned that applying it to the 2026 elections would be arbitrary and capricious because election officials lack enough time to implement it; Justice Alito, joined by Justice Thomas, dissented. The rule is therefore blocked for the November 3, 2026 election, although the order's citizenship-list and prosecution-priority provisions are no longer enjoined.

5.4 The state-law datapoint: New Hampshire, with the Kansas precedent

While the executive-order cases turn on the separation of powers, a different body of law measures the burden such requirements place on voters, and the most probative recent evidence comes from New Hampshire. That state's 2024 law (HB 1569) required first-time registrants to present documentary proof of citizenship and eliminated the sworn-affidavit alternative. After a nine-day trial, on May 28, 2026, Judge Samantha Elliott of the federal district court in New Hampshire held the law unconstitutional under the First and Fourteenth Amendments in a 98-page order, finding that its burdens were not justified by the state's evidence, which identified eight instances of noncitizens registering or attempting to register (Boston Globe 2026; New Hampshire Bulletin 2026). The court documented eligible voters turned away during 2025, including a recently divorced woman whose name no longer matched her records, found particular burdens on young residents and on married women whose names had changed since their citizenship documents issued, and noted that the state's records database could not resolve such mismatches because it holds no marriage records for the roughly 60 percent of registrants born out of state (New Hampshire Bulletin 2026; NHPR 2026). The state restored the affidavit option and is appealing. The ruling echoes the Kansas litigation a decade earlier, in which a documentary proof law was invalidated after blocking more than 31,000 eligible citizens, a judgment affirmed in *Fish v. Schwab* (2020). Any enacted federal requirement would present distinct legal questions, but these cases supply the closest trial-tested factual records of how such requirements operate.

5.5 Net legal status as of October 24, 2026

MEASURE	TYPE	STATUS AS OF OCTOBER 24, 2026
SAVE America Act (H.R. 7296; House-passed version of Feb. 11, 2026)	Federal legislation	Passed the House; failed in the Senate, most recently 48 to 50 on June 4, 2026; related measures also failed on June 5 and August 8, 2026; not law
SAVE Act (H.R. 22)	Federal legislation	Passed the House April 10, 2025; no Senate passage; not law
Exec. Order 14248, §§ 2(a), 2(d), 3(d), 7	Executive action	Key provisions preliminarily enjoined (Apr. and June 2025); § 2(a) permanently enjoined as to the EAC (Oct. 31, 2025); appeal pending; federal form unchanged
Exec. Order 14399, §§ 2 and 3	Executive action	Declared void and enjoined June 25, 2026 (final judgment July 7, 2026) as to 22 states (including New Jersey), D.C., and the Governor of Pennsylvania; injunction stayed by the Supreme Court on August 24, 2026, pending the First Circuit appeal and any petition for certiorari
Postal Service final rule, Ballot Mail for Federal Elections (91 Fed. Reg. 54,966)	Federal regulation	Issued August 21, 2026 to implement Exec. Order 14399 § 3; enjoined for elections through November 3, 2026 (D. Mass., Sept. 4) and in full (D.D.C., Sept. 13); stays of the D. Mass. injunction denied (1st Cir., Sept. 10; U.S., Sept. 14); not in effect for the 2026 election
New Jersey registration and identification rules	State law	Unchanged from the pre-2025 baseline: attestation of citizenship; no documentary proof; no identification for most voters
N.J. S.J. Res. 87 and S. Res. 97	State resolutions	Introduced (Feb. and May 2026); non-binding expressions on each side; no legal effect

6. New Jersey Law and the Federal-State Allocation of Authority

6.1 Registering to vote in New Jersey

A person may register in New Jersey if he or she is a United States citizen, will be at least 18 years old by the next election, has resided in the state and county for 30 days before the election, and is not serving a sentence of incarceration for an indictable offense (N.J. Const. art. II, § 1; New Jersey Division of Elections 2026). Seventeen-year-olds may register, and may vote in a primary if they will be 18 by the general election. The registration form asks the applicant to affirm citizenship under penalty of law; no document proving citizenship is required, and none has ever been required under New Jersey law. Applicants provide a New Jersey driver's license or non-driver identification number or, lacking those, the last four digits of a Social Security number, which the state uses for the record-matching that federal law requires. Registration is available online, by mail, and in person, and closes 21 days before an election (N.J. Stat. Ann. § 19:31-6); for the November 3, 2026 general election, the deadline is October 13, 2026. New Jersey has no same-day registration.

6.2 Identification at the polls

New Jersey does not require identification from most voters, whether voting in person or by mail. The single exception implements the federal HAVA rule described in Section 2: a first-time voter who registered by mail and whose identifying number was not verified must show identification once. The acceptable documents are deliberately broad: any current and valid photo identification, such as a New Jersey driver's license, a military or other government identification, a student or job identification, a store membership card, or a United States passport; or any current document bearing the voter's name and address, such as a bank statement, car registration, government check or document, non-photo driver's license, rent receipt, sample ballot, or utility bill (New Jersey Division of Elections 2026). A covered voter without identification may still cast a provisional ballot. Beyond registration and this narrow rule, New Jersey offers no-excuse vote-by-mail to every voter and an in-person early voting period that, for a general election, runs nine days, beginning the tenth day before the election and ending the second day before it.

6.3 Party affiliation, primaries, and the general election: correcting a misconception

A claim circulating in public discussion holds that a person must be registered with one of the two major parties to vote in the midterm elections. That claim is false as applied to the election most people mean by it. No state, New Jersey included, conditions voting in a November general election on party membership. Every registered New Jersey voter, whether Democratic, Republican, third-party, or unaffiliated, may vote the full general election ballot on November 3, 2026, when all twelve of the state's U.S. House seats and one of its two U.S. Senate seats are before the voters.

Party affiliation matters only in primary elections, which choose each party's nominees. New Jersey conducts closed primaries: only voters affiliated with a party may vote in that party's primary. The rules are more permissive than commonly assumed, however. An unaffiliated voter may declare a party affiliation at the polling place on primary day, or during the primary's early voting period, and vote in that party's primary immediately; an unaffiliated voter using a mail ballot must declare a party before a partisan primary ballot can issue. By contrast, a voter already affiliated with one party who wishes to vote in another party's primary must file a change of party declaration no later than 55 days before the primary (N.J. Stat. Ann. § 19:23-45); for the June 2, 2026 primary, that deadline fell on April 8, 2026. Since 2006, New Jersey has recorded voters who decline party affiliation as unaffiliated. The practical summary for a general reader: party registration never blocks a New Jersey voter from the November election, and even the primary is open to an unaffiliated voter who is willing to declare a party at the polls.

6.4 New Jersey legislative activity

The New Jersey Legislature has taken formal, and opposing, non-binding positions on the federal measures. Senate Joint Resolution 87, introduced February 12, 2026 by Senator James W. Holzapfel of District 10, urges the United States Senate to pass the SAVE Act, reciting findings that documentary proof would strengthen safeguards and public confidence (S.J. Res. 87, N.J. 2026). Senate Resolution 97, introduced in May 2026, opposes Executive Order 14399 and the SAVE America Act, reciting findings that a federal citizenship list and documentation mandates risk disenfranchising eligible voters, including elderly citizens, citizens with limited mobility, naturalized citizens, and members of the military (S. Res. 97, N.J. 2026); a companion Assembly measure was introduced in March (A.J. Res. 164, N.J. 2026). None of these resolutions has the force of law, and none changes any New Jersey registration or

identification practice. No enacted or pending New Jersey statute requires documentary proof of citizenship to register or photo identification to vote.

6.5 What the federal government can, and cannot, do

The litigation reviewed in Section 5 maps the boundaries with unusual clarity, and they can be stated in four propositions.

Congress can override New Jersey's procedures for federal elections. Under the Elections Clause, Congress may make or alter the rules governing the times, places, and manner of congressional elections, and its enactments preempt contrary state practice for federal races. The NVRA and HAVA already do this, and *Arizona v. Inter Tribal Council of Arizona, Inc.* confirms that states must accept the federal form as Congress's designee prescribes it. If the SAVE America Act were enacted, it would bind New Jersey for federal elections notwithstanding state law: the state would have to collect documentary proof at registration and, if the photo identification title survived, administer it at the polls. New Jersey could retain attestation-based registration for state and local contests, which is how Arizona operates a two-track system of federal-only voters today; a federal mandate would therefore add administrative machinery rather than simply relabel existing practice. An enacted statute would also, on the evidence of the Kansas and New Hampshire cases, face immediate constitutional litigation over the burdens it imposes, with an outcome this report does not predict.

Congress cannot redefine who is qualified to vote. Voter qualifications are set by the states within constitutional limits; congressional power runs to procedure and mechanics. Citizenship is already a qualification everywhere, so the live disputes concern how citizenship is proven, not whether it is required.

The President cannot impose these requirements by executive order. That proposition rests on the 2025 rulings, under which the EAC cannot be commanded to rewrite the federal form, and on the June 2026 district court ruling that federal agencies cannot be deployed to compile voter citizenship lists or to condition mail-ballot delivery on federal enrollment. On August 24, 2026, the Supreme Court stayed the June 2026 ruling on standing and ripeness grounds without reaching the merits, so the 2026 order's citizenship-list provisions are no longer enjoined. The Postal Service rule that would have conditioned

mail-ballot delivery on federal enrollment is separately enjoined for the November 2026 election, and the Supreme Court declined to lift that injunction on September 14, 2026.

The executive branch can enforce existing law. Noncitizen registration and voting remain federal crimes (18 U.S.C. § 611), states may voluntarily use federal verification systems such as SAVE under existing statutes, and nothing in the injunctions limits ordinary prosecution of actual violations. The dispute in the courts has been about new machinery erected without congressional authorization, not about enforcing the laws Congress has passed.

The bottom line for New Jersey: the state's own rules have not changed since before January 2025, and the federal measures that would change them are either stalled in the Senate or blocked in court for this November's election. The Supreme Court has stayed the June 2026 ruling that New Jersey won as a plaintiff in the 2026 case, but the Postal Service mail-ballot rule remains enjoined for the November 3, 2026 election.

7. Preparedness: Documentation Consistency for New Jersey Residents

Nothing in this section is required in order to register or vote in New Jersey in 2026. Under current law, registration requires no documents beyond the standard form, and most voters show nothing at the polls. Readers should not let the debates described above discourage them from registering or voting; the rules in force are the ones described in Section 6. This section exists because the underlying record-keeping has value regardless of what happens to any election bill. A consistent documentary chain from birth record to current legal name is what airlines will expect under REAL ID enforcement, which began for domestic air travel in May 2025 (Transportation Security Administration 2026); it is what passport, Social Security, banking, payroll, and estate processes assume; and, should any documentary proof requirement ever take effect, the people least burdened will be those whose records already align. The guidance below is general information about public processes, not legal advice; procedures and fees change, and readers should verify details with the issuing agency.

7.1 Confirm and update your voter registration

Start with the record you already have. The New Jersey Division of Elections operates a voter search tool showing your registration status, party affiliation, and the name under which you are registered (New Jersey Division of Elections 2026). If you have moved or changed your name since registering, file an updated registration form, which is the same form used for new registrations, before the October 13, 2026 deadline. Matching your registration to your current legal name costs nothing and prevents the most common polling-place friction under any set of rules.

7.2 Build a certified document inventory

For anyone whose legal name has changed since birth, the goal is an unbroken chain: the birth record, plus a certified document for each subsequent change. The core items:

- A **certified birth certificate**. New Jersey births: the Office of Vital Statistics and Registry in the Department of Health, or the local registrar of the municipality of birth (New Jersey Department of Health 2026). Births elsewhere: the vital records office of the state of birth; the CDC maintains

a directory of every state's office (Centers for Disease Control and Prevention 2026). Order certified copies; agencies generally do not accept photocopies for identity purposes.

- A **certified marriage or civil union certificate** for each marriage in the name chain, from the vital records office or local registrar of the jurisdiction where the marriage occurred. People married long ago or out of state often no longer hold these; they are replaceable, but lead time matters.
- The **divorce judgment** for any divorce in the chain, particularly a judgment containing a name-restoration provision. New Jersey courts may authorize a divorcing spouse to resume a prior name within the judgment itself (N.J. Stat. Ann. § 2A:34-21); certified copies come from the Superior Court in the county of the divorce.
- Any **court name-change order**. In New Jersey, an adult changes a legal name by petition to the Superior Court (N.J. Stat. Ann. §§ 2A:52-1 to -4); a name change through marriage requires no court order, with the marriage certificate serving as the linking document.
- For naturalized citizens, the **Certificate of Naturalization or Certificate of Citizenship**. A lost certificate is replaced through U.S. Citizenship and Immigration Services Form N-565; the filing fee runs several hundred dollars and processing takes months, which is a reason to locate the original now (U.S. Citizenship and Immigration Services 2026).
- For citizens born abroad to U.S. citizen parents, the **Consular Report of Birth Abroad**, replaceable through the Department of State (U.S. Department of State 2026).

7.3 The passport as the consolidating document

A valid U.S. passport is the one widely available document that proves citizenship in the holder's current legal name, which is why it satisfies every documentary proof proposal on its own and why it resolves name-mismatch problems that birth-record pathways create. First-time applicants file Form DS-11 in person; eligible renewals use Form DS-82 by mail. A name change is free on Form DS-5504 within one year of issuance, and otherwise is made through DS-82 or DS-11 with a certified name-change document attached. The passport card is a lower-cost alternative that also evidences citizenship, though it is not valid for international air travel. Routine processing takes several weeks, so applications should not wait for a deadline (U.S. Department of State 2026).

7.4 Align the chain across agencies, in order

After any name change, update agencies in a deliberate sequence, because each one's record feeds the next. Update the Social Security record first, using Form SS-5 with certified evidence of the change; there is no fee, and an unmatched Social Security name generates payroll and benefits flags on its own (Social Security Administration 2026). Update the New Jersey Motor Vehicle Commission next; a license or non-driver identification is issued under the 6 Point ID Verification program, and readers should note that a New Jersey REAL ID does not display citizenship and therefore would not, by itself, satisfy the documentary proof definition analyzed in Section 3 (New Jersey Motor Vehicle Commission 2026). Then update the voter registration record as described above. Throughout, keep the name identical letter for letter across documents, including middle names and suffixes; exact-match data systems treat small variations as mismatches.

7.5 Where to get help

For registration questions, the county board of elections, the county clerk, and the New Jersey Division of Elections are the authoritative sources. VoteRiders, a nonpartisan nonprofit, provides free assistance obtaining identification and the underlying documents, including paying document fees in many cases (VoteRiders 2026). Legal Services of New Jersey provides free civil legal assistance to income-eligible residents, including with name changes and vital records (Legal Services of New Jersey 2026). For advice about an individual legal situation, consult a licensed New Jersey attorney. ARA is a research institute, not a law firm, and nothing in this report is legal advice.

8. Conclusion and Monitoring Indicators

The factual architecture of this report reduces to three sentences. The proposals are real, extensive, and precisely documented: a registration regime built on documentary proof of citizenship and, in the 2026 version, a nationwide photo identification requirement keyed to citizenship-bearing documents. Their burdens, if enacted, would fall measurably hardest on people whose current legal name or identity differs from their birth record, a population dominated by married and divorced women and including transgender citizens, naturalized citizens, and the young. And none of it is in force for this election: the legislation has failed in the Senate, the 2025 order's citizenship-documentation provisions remain enjoined, the Postal Service rule implementing the 2026 order is enjoined for November, and New Jersey voters will vote this November under the same rules that governed before January 2025; the registration deadline of **October 13, 2026** has passed, and county clerks began mailing vote-by-mail ballots by September 19, 2026 (New Jersey Division of Elections 2026).

Because the third sentence is the most perishable, ARA will monitor the following indicators, any one of which would warrant revisiting this analysis:

- Senate action on the SAVE America Act through any vehicle, including the National Defense Authorization Act, appropriations measures, or a change to filibuster practice.
- Appellate developments: the pending appeal of the October 31, 2025 permanent injunction concerning Executive Order 14248; the First Circuit appeal of the July 7, 2026 judgment on Executive Order 14399, which the Supreme Court stayed on August 24, 2026, and any petition for certiorari that follows; the appeal of the September 4, 2026 preliminary injunction against the Postal Service's mail-ballot rule and any appeal of the September 13, 2026 injunction; and the state's appeal of the New Hampshire ruling.
- Any Election Assistance Commission rulemaking or guidance concerning the federal form, within the constraints of the standing injunction.
- Any movement of the New Jersey resolutions, or introduction of substantive New Jersey legislation on registration documentation or voter identification.
- Federal agency data programs, including the Department of Homeland Security's expanded SAVE database for voter list review, which the Supreme Court allowed to operate on September

25, 2026 while litigation continues (*Department of Homeland Security v. League of Women Voters*, No. 26A308 (U.S. Sept. 25, 2026)), and any State Citizenship Lists that the Department compiles under Executive Order 14399 while the injunction against that provision is stayed.

ARA will publish a plain-language summary of this report, a Spanish-language edition of that summary, and an accompanying presentation, and will update all of them if the legal status described here changes before the election.

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