

RESOURCE

Status of Trump's Anti-Voting Executive Order

A year after its issuance, many provisions are blocked and others are still being challenged in federal courts.



Eliza Sweren-Becker

Published **March 4, 2026**

Government Power

⇒ SHARE

In March 2025, President Trump issued an [executive order](#) [\[link-1\]](#) attempting to assert presidential control over significant aspects of federal elections. The illegality at the heart of the order is that the Constitution gives power over federal elections to the states and Congress, not to the president.

The order is part of the Trump administration's [multifaceted campaign](#) [\[link-2\]](#) to [take over and interfere](#) [\[link-3\]](#) with elections by suppressing participation, undermining confidence in election systems, and manipulating outcomes. In addition, the order is consistent with the president's attempt to [arrogate power](#) [\[link-4\]](#) from Congress

and independent federal agencies to accomplish partisan political ends and remake the presidency.

Three federal courts have blocked the implementation of many provisions of the order, even as the administration has barreled ahead with trying to give effect to others. Three cases — *LULAC v. Executive Office of the President*, *California v. Trump*, and *Washington v. Trump* — are proceeding at various stages in federal courts, at both the trial court and appellate levels. The Brennan Center, with co-counsel, represents one set of plaintiffs in [LULAC \[link-5\]](#).

One year after the issuance of the anti-voting executive order, we examine the status of some of its key provisions.

	papers” policy requiring a passport or other citizenship document to register to vote using the national voter registration form	
2(b)	Mandate that the Department of Homeland Security and DOGE review state voter registration files	Underway in 11 states; three courts have ruled states need not comply with requests for voter files
2(d)	Mandate that federal voter registration agencies assess citizenship before providing the federal registration form	Blocked
3(d)	Mandate that the Department of Defense include a “show your papers” requirement in the Federal Post Card Application used by overseas	Blocked

SECTION	WHAT IT REPORTS TO DO	STATUS
2(a)	Mandate that the Election Assistance Commission (EAC) impose a “show your	Blocked

	voters to register	
4(a)	Mandate that the EAC cease funding to states that don't accept and use the national voter registration form with the new "show your papers" requirement	Blocked in OR and WA
4(b)	Mandate that the EAC revise voting machine guidelines and rescind machine certifications based on prior standards	Blocked
7(a)	Mandate that the U.S. attorney general take action against states with mail ballot receipt grace periods	Blocked in AZ, CA, CO, HI, IL, MA, MD, MI, NJ, NM, NV, NY, OR, RI, and WA
7(b)	Mandate that the EAC cease funding to states with mail ballot receipt	Blocked in AZ, CA, CO, HI, IL, MA, MD, MI, NJ, NM, NV, NY, OR, RI, and WA

	grace periods	
--	---------------	--

Section 2(a)

Section 2(a) purports to mandate that the Election Assistance Commission (EAC) require that Americans provide a passport or other citizenship document when registering to vote using the national voter registration form.

Status: Blocked

Three federal courts have found Section 2(a) to be unconstitutional, blocking the EAC from amending the federal form pursuant to the executive order. Two of the lower court decisions are on appeal, and the third is expected to be appealed as well.

Analysis

Over the past year, the Trump administration and its proxies have tried in several different ways to require a passport or other citizenship documents to register to vote. The executive order on elections, the [SAVE Act](#) [\[link-6\]](#), and a petition to the EAC by Trump-aligned

organization America First Legal each [sought](#) [\[link-7\]](#) to add this new registration hurdle, predicated on misrepresentations about who is on the voter rolls. A “show your papers” policy, if implemented, could [block 21 million](#) [\[link-8\]](#) American citizens from voting.

Research has repeatedly shown that [only American citizens vote](#) [\[link-9\]](#), with vanishingly rare exceptions. Section 2(a) is one of several provisions of the executive order intended to impose a “show your papers” requirement.

Section 2(b)

While Section 2(b) has multiple parts, critically, it directs DHS and DOGE to gain access to and review state voter files, including confidential and sensitive voter information.

Status: Underway in 11 states;

[three courts](#) [\[link-10\]](#) have ruled that states need not comply with Justice Department requests for voter files

Seemingly in service of Section 2(b), the Justice Department has asked at

[least 48 states](#) [\[link-11\]](#) and Washington, DC, for their complete voter registration lists. The DOJ has [sued](#) [\[link-12\]](#) 29 states and DC for refusing to hand over sensitive voter information. So far, courts in [California](#) [\[link-13\]](#), [Michigan](#) [\[link-14\]](#), and [Oregon](#) [\[link-15\]](#) have rejected the DOJ’s claims that it is entitled to the unredacted voter files.

At least 11 states have either provided or promised to provide such information.

The DOJ has asked states to agree to a “[confidential memorandum of understanding](#)

[\[link-16\]](#)” in connection with handing over their full voter files. The agreement explains that the DOJ plans to conduct its own analysis of states’ voter files and then instruct the states to remove specific voters, which the federal government has never done before.

Also pursuant to Section 2(b), DHS and DOGE [launched](#) [\[link-17\]](#) a dramatic [overhaul](#) [\[link-18\]](#) of the [SAVE program](#) [\[link-19\]](#), DHS’s citizenship verification

tool. The changes include enabling access to Social Security Administration data via the SAVE program and allowing states to conduct bulk searches through the program. Courts assessing challenges to this expansion of the SAVE program have thus far not blocked the overhaul. But the *LULAC* court [ruled](#) [\[link-20\]](#) that the federal defendants must strictly adhere to the Privacy Act when implementing Section 2(b), because the federal government failed to comply with the transparency requirements of federal law until after it was sued.

Several states have reviewed their voter rolls against the data available through the expanded SAVE program. These investigations have confirmed what [prior evidence](#) [\[link-21\]](#) has shown: Only U.S. citizens vote, with vanishingly rare exceptions. For example, after [Utah reviewed](#) [\[link-22\]](#) its voter rolls, it found zero instances of noncitizen voting. When [Louisiana](#) [\[link-23\]](#) reviewed voter records dating back to the early 1980s, it identified 79 potential noncitizens who

voted during that more than 40-year period, out of at least 74 million ballots cast. Louisiana’s Republican secretary of state [announced](#) [\[link-24\]](#) that “non-citizens illegally registering or voting is not a systemic problem in Louisiana.”

When reviews relying on SAVE program data are not conducted carefully, they result in [significant errors](#) [\[link-25\]](#). For example, the Republican election director for St. Louis County, Missouri, found that around [35 percent](#) [\[link-26\]](#) of the people flagged through the SAVE tool were American citizens who registered to vote at their naturalization ceremonies.

Similarly, [hundreds](#) [\[link-27\]](#) of Texans identified as potential noncitizens via the SAVE program registered to vote at the state’s Department of Public Safety, an agency that collects and retains citizenship data. But Texas officials [didn’t check](#) [\[link-28\]](#) DPS records before it announced a false and misleading

number of potential noncitizens on the state's voter rolls.

Analysis

As part of the president's [campaign](#) [\[link-29\]](#) to take over election administration, the administration is trying to insert itself into states' voter list maintenance processes and to use voter information to identify noncitizens on the rolls. But Congress has decided that states alone have the responsibility to maintain accurate voter rolls. States have [procedures in place](#) [\[link-30\]](#) to guard against the wrongful removal of eligible voters. The administration's demands for voter rolls are not only unjustified by federal law but also, in many instances, may [violate state law](#) [\[link-31\]](#).

Aggregating sensitive voter information in a single place poses massive security risks, both from external and internal actors. Indeed, the DOJ (now [led](#) [\[link-32\]](#) and [staffed](#) [\[link-33\]](#) by [people](#) [\[link-34\]](#) who spent years unsuccessfully disputing the 2020 election results)

conceded last month through [litigation](#) [\[link-35\]](#) that DOGE team members within the Social Security Administration signed an agreement to turn over state voter rolls to an advocacy group seeking to "find evidence of voter fraud and to overturn election results in certain States." And the Justice Department's security measures for the voter rolls that it is trying to obtain are [inadequate](#) [\[link-36\]](#).

Section 2(d)

Section 2(d) purports to mandate that federal agencies that register voters must assess citizenship before providing individuals with a federal voter registration form.

Status: Blocked

In *LULAC v. Executive Office of the President*, the DC district court issued a permanent injunction [blocking](#) [\[link-37\]](#) the Department of Defense, Department of Veterans Affairs, Department of the Interior, Small Business Administration,

and their respective agency heads from implementing Section 2(d).

In *California v. Trump*, the Massachusetts district court also preliminarily [enjoined](#) [\[link-38\]](#) Section 2(d). However, the parties subsequently [stipulated](#) [\[link-39\]](#) that Section 2(d) does not apply to any state or local voter registration agencies, and as a result, the plaintiff states agreed to dismiss their challenge to Section 2(d).

Analysis

Section 2(d) is one piece of the executive order’s “show your papers” policy and yet another attempt by the president to usurp Congress’s authority. The National Voter Registration Act (NVRA) provides that covered federal agencies must provide the federal voter registration form to any voter who receives their services. The DC district court [ruled](#) [\[link-40\]](#) that

the president lacks the authority to contravene the NVRA.

Section 3(d)

Section 3(d) directs the secretary of defense to require a passport or another citizenship document when military voters and other Americans living overseas register to vote using the Federal Post Card Application.

Status: Blocked

The *LULAC* court issued a [permanent injunction](#) [\[link-41\]](#) blocking Section 3(d). In addition, in *California v. Trump*, the Massachusetts district court preliminarily [blocked](#) [\[link-42\]](#) the implementation of Section 3(d). An appeal is pending in the First Circuit Court of Appeals. In the meantime, plaintiffs in *California v. Trump* have sought a permanent injunction against Section 3(d).

Analysis

Section 3(d) is part of the executive order’s “show your papers” policy and

another attempt by the president to exercise power over elections that he does not possess. Military voters and their families as well as Americans living overseas can register to vote and request a mail ballot using the Federal Post Card Application, a form created and maintained by the Department of Defense, pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Section 3(d) would impose an additional burden on these military and overseas voters, who must already overcome more obstacles to register and vote than those living in the United States. The *California v. Trump* court concluded that the president lacks the authority under the Constitution to impose voter registration requirements. The court further concluded that Section 3(d) conflicts with UOCAVA, which does not contemplate a documentary proof-of-citizenship requirement.

Section 4(a)

Section 4(a) purports to direct the EAC to stop providing funding to states that do

not accept or use the federal voter registration form, as amended pursuant to the executive order to require a passport or another citizenship document.

Status: Blocked, as applied to Oregon and Washington

In *Washington v. Trump*, the district court concluded that Section 4(a) is unlawful and blocked its implementation as to the plaintiff states, Washington and Oregon. Although the court's injunction applies only to Washington and Oregon because they are the only plaintiffs in the case, its decision concluding that Section 4(a) is unlawful did not depend on facts limited to those two states.

Analysis

Section 4(a) of the executive order seeks to hold hostage much-needed funding for election administration, conditioning that money on state compliance with the order's "show your papers" policy. The provision is unconstitutional for numerous reasons. The president may

not control how the EAC disburses money; Congress has already decided EAC funding, through the Help America Vote Act. The president may not mandate that the EAC amend the federal form to require a passport or another citizenship document (see above, Section 2(a)). Threatening to withhold critical funding for election administration and voting systems belies the executive order’s purported purpose to “protect the integrity of the election process.”

Section 4(b)

Section 4(b), in pertinent part, mandates that the EAC revise its voluntary voting systems guidelines to eliminate the use of QR codes (among other things). The guidelines are technical standards for voting machine cybersecurity, accessibility, and usability that electronic voting system manufacturers agree to meet and that many states have adopted. Section 4(b) also directs the EAC to

rescind voting system certifications based on prior standards.

Status: Blocked

The district court in *Washington v. Trump* is the only court to consider a claim against Section 4(b). It concluded that Section 4(b) is unlawful and blocked the EAC from taking action to implement it.

Last year, prior to this injunction, the EAC’s Technical Guidelines Development Committee began [discussing](#) [\[link-43\]](#) new voting systems guidelines pursuant to the executive order, over the objections of the Brennan Center and LULAC co-counsel, among others. We [argued](#) [\[link-44\]](#) that the legal principle undergirding the LULAC injunction against Section 2(a) — that the president has no authority to regulate federal elections under the Constitution — likewise applies to Section 4(b). After several meetings in 2025, TGDC members did not reach consensus

on updated guidelines and haven't advanced a new draft of such standards.

Analysis

As described in the Brennan Center's [friend-of-the-court brief](#) [\[link-45\]](#) in *Washington v. Trump*, Section 4(b) seems designed to undermine public trust in elections at a time when false conspiracy theories on the security of U.S. voting equipment abound. If implemented, Section 4(b) could effectively nullify the legality of voting systems across 11 states and the District of Columbia, all of which, by state law, require federal certification. It would also deny every state access to a federally certified voting system. Section 4(b) would saddle states with immense costs to procure new voting systems. This extraordinary burden comes as federal funding for elections has declined significantly since 2020. Implementing Section 4(b) this year would create a logistical nightmare, as it would be virtually impossible for states to field federally certified election equipment in enough time before election season.

Consistent with the rest of the executive order, the president does not have the power to set voting system standards. Congress, through the National Voter Registration Act and the Help America Vote Act, established how the EAC can amend the voluntary voting system guidelines, and the president plays no role in this or in any other election administration matters.

Section 7(a)

Section 7(a) mandates that the attorney general take action against states with mail ballot receipt grace periods (i.e., state laws that allow election officials to

count timely cast mail ballots that arrive within a few days after Election Day).

Status: Blocked, in Arizona, California, Colorado, Hawaii, Illinois, Massachusetts, Maryland, Michigan, New Jersey, New Mexico, Nevada, New York, Oregon, Rhode Island, and Washington (plaintiff states in *Washington v. Trump* and *California v. Trump*)

The district courts in *California v. Trump* and *Washington v. Trump* have blocked the implementation of civil and criminal actions pursuant to Section 7(a) against the plaintiff states in those cases. Though the courts' injunctions apply only as to the plaintiff states, the decisions did not depend on facts limited to those states. Additionally, in *Washington v. Trump*, the court issued a declaratory judgment that the federal Election Day statutes do not

establish a national ballot receipt deadline.

Analysis

As part of the administration's long-running attack on mail voting, the executive order attempts to advance a faulty legal interpretation of the federal laws that set Election Day, claiming that they disallow state mail ballot grace periods. But those federal laws, enacted over a century ago, say nothing about when states must *receive* valid mail ballots. On the contrary, they cover only the day by which votes must be *cast*. There is a long history of states counting votes, especially military and overseas votes, that arrive after Election Day.

The Republican National Committee and several other parties have sued Mississippi, challenging the state's mail ballot grace period. That case, [Watson v. Republican National Committee](#) [\[link-46\]](#), is now pending before the Supreme Court. The Brennan Center filed a [friend-of-the-court brief](#) [\[link-47\]](#) in *Watson* on behalf of more than 50 retired

military leaders and diplomats, as well as eight organizations that represent military voters, military family member voters, and U.S. citizens living overseas.

Notwithstanding active litigation on this issue, and more than a century of settled law and practice, Section 7(a) of the executive order mandates that the attorney general take unspecified enforcement action against states that have a mail ballot receipt grace period. Regardless of the outcome in *Watson*, the Election Day statutes do not authorize criminal or civil enforcement actions against states. Nor does the president have any say in when mail ballots must be received — that is up to states and to Congress, if it chooses to legislate on the question.

Section 7(b)

Section 7(b) purports to further enforce the administration's faulty interpretation of the Election Day statutes, mandating that the EAC stop providing funding to

states with mail ballot receipt grace periods.

Status: Blocked in Arizona, California, Colorado, Hawaii, Illinois, Massachusetts, Maryland, Michigan, New Jersey, New Mexico, Nevada, New York, Oregon, Rhode Island, and Washington

The district courts in *California v. Trump* and *Washington v. Trump* concluded that Section 7(b) is unlawful and blocked the EAC from conditioning funding to states pursuant to Section 7(b). Although the courts' injunctions apply only as to the plaintiff states, the decisions did not depend on facts limited to those states.

Analysis

Section 7(b) threatens to withhold federal funding for election administration from states with mail ballot receipt grace periods. As described above, not only is this premised on a faulty interpretation of

the federal Election Day statutes, but the president may not control how the EAC disburses money. Congress has this

power and, through the Help America Vote Act, has articulated the eligibility criteria for federal funding from the EAC.

MORE ON

[Executive Power](#) [\[link-48\]](#)

STAY UP TO DATE

Informed citizens are democracy's best defense

First Name

Last Name

Email Address *

Zip Code *

SIGN ME UP

We respect **your privacy**.

Links

link-1: executive order <https://www.brennancenter.org/our-work/research-reports/presidents-executive-order-elections-explained>

link-2: multifaceted campaign <https://www.brennancenter.org/our-work/research-reports/trump-administrations-campaign-undermine-next-election>

link-3: take over and interfere <https://www.brennancenter.org/our-work/research-reports/what-expect-next-trump-administrations-strategy-meddle-vote>

link-4: arrogate power <https://www.brennancenter.org/our-work/analysis-opinion/lawsuits-reveal-administrations-attacks-congressional-power>

link-5: LULAC <https://www.brennancenter.org/our-work/court-cases/league-women-voters-v-trump>

link-6: SAVE Act <https://www.brennancenter.org/our-work/analysis-opinion/house-bill-would-hurt-american-voters>

link-7: sought https://www.brennancenter.org/media/14585/download/2025.10.20-comment.update-10-22.final_.pdf?inline=1

link-8: block 21 million <https://www.brennancenter.org/our-work/analysis-opinion/millions-americans-dont-have-documents-proving-their-citizenship-readily>

link-9: only American citizens vote <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-vanishingly-rare>

link-10: three courts <https://www.brennancenter.org/our-work/analysis-opinion/federal-courts-reject-trump-administrations-attempts-obtain-private-voter>

link-11: least 48 states <https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information>

link-12: sued <https://www.brennancenter.org/our-work/analysis-opinion/trump-administration-has-sued-more-20-states-refusing-turn-over-voter>

link-13: California <https://www.brennancenter.org/media/14943/download/128-court-granted-defendant-and-intervenors-mtd-2026-01-15.pdf?inline=1>

link-14: Michigan <https://www.brennancenter.org/media/15189/download/067-court-opinion-granting-mtd-2026-02-10.pdf?>

inline=1

link-15: Oregon <https://www.courthousenews.com/judge-rules-oregon-wont-need-to-hand-over-unredacted-voter-rolls-to-trump-admin/>

link-16: confidential memorandum of understanding <https://www.brennancenter.org/media/14806/download/2025-12-01-doj-mou-to-colorado.pdf?inline=1>

link-17: launched <https://www.dhs.gov/news/2025/04/22/dhs-uscis-doge-overhaul-systematic-alien-verification-entitlements-database>

link-18: overhaul <https://www.uscis.gov/newsroom/news-releases/uscis-deploys-common-sense-tools-to-verify-voters>

link-19: SAVE program <https://www.brennancenter.org/our-work/research-reports/homeland-securitys-save-program-exacerbates-risks-voters>

link-20: ruled https://storage.courtlistener.com/recap/gov.uscourts.dcd.279032/gov.uscourts.dcd.279032.236.0_4.pdf?inline=1#page=107

link-21: prior evidence <https://www.brennancenter.org/our-work/research-reports/noncitizen-voting-vanishingly-rare>

link-22: Utah reviewed <https://www.sltrib.com/news/politics/2026/01/23/are-non-citizens-voting-utahs/>

link-23: Louisiana <https://www.brennancenter.org/our-work/analysis-opinion/louisianas-chief-election-official-confirms-lack-widespread-noncitizen>

link-24: announced <https://www.facebook.com/Louisianasos/posts/secretary-of-state-nancy-landry-announced-the-preliminary-results-of-an-ongoing-/1271219118366334/>

link-25: significant errors <https://www.propublica.org/article/save-voter-citizenship-tool-mistakes-confusion>

link-26: 35 percent <https://www.nytimes.com/2026/01/14/us/politics/noncitizen-voters-save-tool.html?register=email&auth=register-email>

link-27: hundreds <https://www.votebeat.org/texas/2025/12/02/travis-county-officials-investigate-potential-noncitizens-dps-save-proof-of-citizenship/>

link-28: didn't check <https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/>

link-29: campaign <https://www.brennancenter.org/our-work/research-reports/timeline-trump-administrations-efforts-undermine-elections>

link-30: procedures in place <https://protectdemocracy.org/work/voter-list-maintenance-explained/>

link-31: violate state law <https://www.brennancenter.org/our-work/research-reports/requests-access-election-data-and-equipment-require-balancing-risks-and>

link-32: led <https://www.theguardian.com/us-news/2025/nov/29/2020-election-deniers-trump>

link-33: staffed <https://www.democracydocket.com/news-alerts/new-doj-voting-lawyer-spread-conspiracy-theory-about-dominion-voting-machines/>

link-34: people <https://www.motherjones.com/politics/2025/12/eric-neff-new-justice-department-voting-rights-chief-had-prior-job-suspension-for-ties-to-election-deniers/>

link-35: litigation <https://storage.courtlistener.com/recap/gov.uscourts.mdd.577321/gov.uscourts.mdd.577321.197.0.pdf?inline=1>

link-36: inadequate <https://www.brennancenter.org/our-work/analysis-opinion/justice-departments-security-measures-collecting-voter-rolls-are>

link-37: blocking https://storage.courtlistener.com/recap/gov.uscourts.dcd.279032/gov.uscourts.dcd.279032.236.0_3.pdf?inline=1

link-38: enjoined https://storage.courtlistener.com/recap/gov.uscourts.mad.282905/gov.uscourts.mad.282905.116.0_1.pdf?inline=1

link-39: stipulated <https://storage.courtlistener.com/recap/gov.uscourts.ca1.53125/gov.uscourts.ca1.53125.00108382804.0.pdf?inline=1>

link-40: ruled <https://www.brennancenter.org/media/13927/download/2025-4-24-memo-op-and-order-granting-pi.pdf?inline=1>

link-41: permanent injunction

https://storage.courtlistener.com/recap/gov.uscourts.dcd.279032/gov.uscourts.dcd.279032.236.0_4.pdf?inline=1

link-42: blocked https://storage.courtlistener.com/recap/gov.uscourts.mad.282905/gov.uscourts.mad.282905.116.0_1.pdf?inline=1

link-43: discussing <https://www.eac.gov/events/2025/07/02/eac-technical-guidelines-development-committee-virtual-meeting>

link-44: argued <https://www.brennancenter.org/media/13960/download/2025.05.15-letter-re-implementation-of-section-4-b-of-eo-no-14248.pdf?inline=1>

link-45: friend-of-the-court brief <https://www.brennancenter.org/media/14196/download/89-amicus-brief-of-brennan-center-for-justice.pdf?inline=1>

[link-46](https://www.brennancenter.org/our-work/analysis-opinion/supreme-court-could-protect-right-vote-military-and-overseas-voters): Watson v. Republican National Committee <https://www.brennancenter.org/our-work/analysis-opinion/supreme-court-could-protect-right-vote-military-and-overseas-voters>

[link-47](https://www.brennancenter.org/our-work/research-reports/watson-v-republican-national-committee): friend-of-the-court brief <https://www.brennancenter.org/our-work/research-reports/watson-v-republican-national-committee>

[link-48](https://www.brennancenter.org/topics/government-power/executive-power): Executive Power <https://www.brennancenter.org/topics/government-power/executive-power>