

Sectional Analysis of President Trump’s March 25, 2025 Executive Order on Elections

On March 25, 2025, President Trump signed an [executive order](#) seeking to create new requirements for elections. Among its key provisions, the order includes provisions seeking to:

- **Mandate eligible citizens provide proof of citizenship:** Require the national mail voter registration form designed by the Election Assistance Commission to require applicants to provide documentary proof of citizenship, which can include a U.S. passport or a REAL ID, military ID, or other state- or federal-issued ID that explicitly indicates the bearer is a U.S. citizen. This proposal is similar to one in the SAVE Act currently being considered in Congress.
- **Impose DOGE review of state voter registration databases:** Require the Department of Homeland Security, in coordination with the DOGE Administrator, to review each state’s voter registration list to ensure consistency with federal requirements
- **Involve federal law enforcement in elections:** Direct the U.S. Attorney General to enter into agreements with state officials to investigate and prosecute suspected violations of state and federal election laws. States that fail to cooperate with the Attorney General would face withholding of federal grants and election-related funding.
- **Restrict mail ballot return deadlines:** Require all states to set a ballot receipt deadline of Election Day. States may not tabulate absentee or mail-in ballots received after Election Day for federal elections. States who fail to comply with this requirement face enforcement action by the Department of Justice and withholding of federal funds for election administration.

Below is a sectional analysis of the March 25 executive order.

Section	Content
1	Purpose and Policy

This section includes assertions of facts and law establishing the rationale for the order’s later substantive sections. The section discusses:

- Voting methods in other nations that differ from U.S. election laws;
- The establishment of a uniform federal Election Day in 2 USC § 7 and 3 USC § 1 and argument that states that count ballots received after that date violate federal law;
- Federal statutory prohibitions against foreign nationals registering to vote or voting in federal elections;
- NVRA & HAVA requirements for states to maintain accurate and current statewide voter lists;
- Prohibitions on foreign nationals participating in federal, state, or local elections by making any contributions or expenditures; and
- A need for voting systems to produce a voter-verifiable paper record to allow voters to check their votes.

2

Enforcing the Citizenship Requirement for Federal Elections

Within 30 days, the Election Assistance Commission (EAC) must amend the national mail voter registration form issued under 52 USC § 20508 to require documentary proof of citizenship (DPOC) (as later defined by the order). The form must also require the state or local official accepting the form to record:

- the type of document presented as DPOC;
- the date of the document’s issuance;
- the document’s expiration date (if any);
- the office that issued the document; and
- any unique identification number associated with the document.

The order defines “documentary proof of citizenship” to include a copy of:

- a U.S. passport;
- an identification document compliant with the requirements of the REAL ID Act of 2005 that indicates the applicant is a citizen of the United States
 - Note: most states’ current REAL IDs do not indicate that the bearer is a citizen and would not satisfy the requirements in the order;
- an official military identification card that indicates the applicant is a citizen of the United States; or
- a valid federal or state government-issued photo identification if the identification indicates the applicant is a

U.S. citizen or is accompanied by proof of U.S. citizenship.

The order contains several measures designed to identify ineligible voters:

- The Secretary of Homeland Security will ensure that state and local officials have free access to appropriate systems for verifying the citizenship or immigration status of individuals registering to vote or who are already registered.
- The Secretary of State will make available information from relevant databases to state and local election officials who verify the citizenship of individuals registering to vote or who are already registered.
- The Department of Homeland Security, in coordination with the DOGE Administrator, must review each state's publicly available voter registration list and records containing voter list maintenance activities as required by 52 USC 20507, as well as federal immigration databases and state records requested, including through subpoena where necessary, for consistency with federal requirements for voter list maintenance.

Within 90 days, the Secretary of Homeland Security must provide to the Attorney General complete information on foreign nationals who have indicated on any immigration form that they have registered or voted in a federal, state, or local election, and must take all appropriate action to submit this information to relevant state or local officials.

Heads of each federal voter registration agency under the NVRA must assess citizenship prior to providing a federal voter registration form to enrollees of public assistance programs.

The Attorney General must prioritize the enforcement of federal criminal laws that prohibit noncitizens from registering to vote or voting, including through the use of DHS databases or information, state driver license and state ID databases, and similar records relating to citizenship. The Attorney General must coordinate with state attorneys general to assist with state-level investigation and prosecution of aliens unlawfully registered to vote or casting votes.

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Providing Other Assistance to States Verifying Eligibility

The Commissioner of Social Security must make available the Social Security Number Verification Service, the Death Master File, and any other federal databases containing relevant information to state and

local election officials who verify the eligibility of new and current registered voters. The Commissioner must ensure compliance with privacy and data security laws and regulations.

The Attorney General must ensure Department of Justice compliance with existing statutes requiring U.S. Attorneys to notify the chief state election officer when a state resident is convicted of a felony in federal court.

The Attorney General must take “appropriate action” concerning states that fail to comply with the voter list maintenance requirements of the NVRA and HAVA.

The Secretary of Defense must update the Federal Post Card Application (FPCA) to require DPOC as defined by the order and proof of eligibility to vote in elections in the state in which the voter is attempting to vote.

4

Improving the Election Assistance Commission

The Election Assistance Commission (EAC) must take all appropriate action to cease providing federal funds to states that do not comply with the requirement for states to accept and use the national voter registration form, including any requirement for DPOC as defined by the order.

The EAC must amend the Voluntary Voting System Guidelines (VVSG) 2.0 and issue other appropriate guidance establishing standards for voting systems to protect election integrity. The amended guidelines and guidance must provide that voting systems may not use a ballot in which a vote is contained within a barcode or quick-response (QR) code in the vote counting process except when necessary to accommodate voters with disabilities. Voting systems must provide a voter-verifiable paper record to prevent fraud or mistake.

Within 180 days, the EAC must review and, if appropriate, re-certify voting systems under the new standards required by the order, and to rescind all previous certifications of voting equipment based on prior standards.

After an audit of HAVA fund expenditures conducted according to existing law, the EAC will report any discrepancies or issues with a state’s certifications of compliance with federal law to the Department of Justice for appropriate enforcement action.

The Secretary of Homeland Security and FEMA Administrator, when considering the provision of funding for state and local election administrators through the Homeland Security Grant Programs, must heavily prioritize compliance with the VVSG 2.0 and completion of testing through the Voting System Test Labs accreditation process.

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Prosecuting Election Crimes

The U.S. Attorney General must enter into information-sharing agreements, when possible, with the chief election official or agency of each state. The agreements will be designed to provide DOJ with detailed information on all suspected violations of state and federal election laws discovered by state officials, including individuals alleged to have:

- registered or voted despite being ineligible or who registered multiple times;
- committed election fraud;
- provided false information on registration or other election forms;
- intimidated or threatened voters or election officials; or
- otherwise engaged in illegal conduct to interfere in the election process.

If states are unwilling to enter into information-sharing agreements, the Attorney General must:

- prioritize enforcement of federal election integrity laws in those states to ensure election integrity given the state's demonstrated unwillingness to enter into an information-sharing agreement or to cooperate in investigations and prosecutions; and
- review funds that DOJ distributes to state and local governments for law enforcement and other purposes, for possible withholding at the Department's discretion.

The Attorney General will align DOJ's litigation positions with the purpose and policy of this order.

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Improving Security of Voting Systems

The Attorney General and Secretary of Homeland Security must take all actions permitted by existing law, so long as DHS maintains its designation of election infrastructure as "critical infrastructure", to

prevent noncitizens from being involved in the administration of a federal election. Prohibited conduct by noncitizens should include accessing election equipment, ballots, or other relevant materials used in the conduct of any federal election.

The Secretary of Homeland Security, in coordination with the EAC, must review and report on the security of all electronic systems used in the voter registration and voting process. The Secretary must also coordinate with the EAC to assess the security of all such systems to the extent they are connected to the Internet and report on the risk of such systems being compromised through malicious software and unauthorized intrusions.

7

Compliance with Federal Law Setting the National Election Day

The Attorney General must interpret and enforce 2 USC § 7 and 3 USC § 1 against states that accept absentee or mail-in ballots received after Election Day for tabulation of votes for appointment of Presidential electors and Congressional elections.

The EAC must condition any funds available to a state on the state's compliance with the requirement in 52 USC § 21081 that each state adopt uniform and nondiscriminatory standards within the state that define what constitutes a vote and what will be counted as a vote. The order requires the EAC to interpret the requirements of 52 USC § 21081 to require the state to set a "uniform and nondiscriminatory" ballot receipt deadline of Election Day for all methods of voting, except military and overseas ballots cast pursuant to the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA).

8

Preventing Foreign Interference and Unlawful Use of Federal Funds

The Attorney General, in consultation with the Secretary of the Treasury, must prioritize enforcement of the federal criminal statute prohibiting foreign nationals from contributing or donating in federal, state, or local elections. The Attorney General will also prioritize enforcement of the federal statute prohibiting lobbying by organizations or entities that receive federal funds.

9

Federal Actions to Address Biden Executive Order on Voter Registration (14019)

All federal agencies must cease all agency actions implementing Executive Order 14019 (Promoting Access to Voting) which was revoked by Executive Order 14148 (Initial Rescissions of Harmful Executive Orders and Actions). Agencies must submit a report describing their compliance to the President within 90 days.

(Executive Order 14019 was issued by President Biden and directed federal agencies to take certain actions to expand voter registration opportunities for individuals interacting with those agencies. This order also included provisions to ensure equal access for voters with disabilities, active duty military and overseas citizens, and eligible individuals in federal custody. The order also established a Native American Voting Rights Steering Group.)

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Severability

If any provision of this order is held to be invalid, the remaining provisions of the order will remain in effect.

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General Provisions

Nothing in the order must be interpreted to impair or otherwise affect the legal authority of any executive department or agency, or the functions of the Director of the Office of Management and Budget (OMB) relating to budgetary, administrative, or legislative proposals.

This order must be implemented consistent with applicable law and subject to appropriations.

This order is not intended to, and does not, create any right or benefit enforceable at law or in equity by any party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

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