Established 1973

4 rue de Chevreuse
75006 Paris, France
Tel: +33 (0)1 4720 2415
Website: https://aaro.org
Email: aaronews@aaro.org

State of Play on Voting by Americans Abroad

Our Battle to Keep the Vote Continues

As of February 16, 2026

Introduction

For more than 50 years the Association of Americans Resident Overseas (AARO) has been a leading advocate in protecting and expanding access to voting for Americans living abroad, ensuring our continued participation in our democracy.

In the early 1970s Americans abroad were faced with numerous obstacles to the full exercise of their voting rights because archaic voting laws made voting by absentee ballot almost or totally impossible. Faced with these injustices, a small group of American women founded AARO in 1973. AARO's advocacy in voting led to the promulgation of the Overseas Citizens Voting Rights Act of 1975, which then led to the enactment of Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in 1986.

No matter where we reside, we remain Americans and our voices must be heard. But now our right to vote faces challenges on many fronts, both at the federal and state level. The AARO Voting Committee has prepared this White Paper, a "State of Play," an overview of the current legal and legislative landscape – the key court cases and laws which, despite their stated intention, would undermine our voting rights. We also outline the actions AARO is taking to safeguard your voting rights and, at the end of this White Paper, we tell you what you, as an American abroad, can do to defend your voting rights.

Although there are dozens of recently enacted and introduced state voting laws which affect all voters, as they cover aspects such as restricting voting assistance, shortening voting periods and limiting voting locations, etc., our White Paper focuses specifically on legislation and lawsuits which could negatively impact overseas voting rights.

We aim to be as comprehensive as possible, but any paper on this topic can only be a snapshot in time as

events evolve continuously. The details in this paper will need regular updating. If you know of any lawsuits or legislation in your state that you do not see here, or an item here that you think could be updated, please let us know at **contact@aaro.org**.

The AARO Voting Committee will continue to keep you informed and AARO will continue to vigorously defend our right to vote from abroad.

State of Play

Threats to Voting at the Federal Level

We address, first, actions at the federal level that, if successful, would undermine access to voting by overseas Americans.

Federal Legislation

Although no federal laws have yet been enacted that would negatively impact overseas Americans' voting rights, efforts to do so are very strong. The proposed laws described below would require either in-person documentary proof of citizenship or proof of actual residence in the United States. A brand-new bill, the MEGA Act, collects the "voting 'reform' wish list" into one sweeping bill.

1. The **Safeguard American Voter Eligibility (SAVE) Act (H.R. 22)** would require Americans, in order to register to vote, to show proof of citizenship in-person at their local election office. The Senate has a companion bill (**S. 128**).
    a. AARO sent **many letters to Congress** asking the Senate to vote against the SAVE Act. AARO has also put in place a **membership advocacy campaign**.
    b. The SAVE Act passed the House in April 2025 but had been languishing without action in the Senate since then.
    c. Recently, AARO has seen renewed interest in the SAVE Act in both Chambers:
        a. As of this writing, it has 49 co-sponsors in the Senate, including Majority Leader John Thune (R. SD) - 19 co-sponsors have joined since the beginning of 2026. Look **here** to see if your Senator is a co-sponsor.

2. The **Safeguard American Voter Eligibility (SAVE America) Act** (**H.R. 7296**), introduced on January 30, 2026, is a "supercharged" version of the SAVE Act. It would also require voters to provide documentary proof of U.S. citizenship in person when registering to vote for a federal election. Absentee ballot voters must submit a copy of their identification document with both the request for, and the submission of, the absentee ballot.
    a. On February 11, 2026, The House voted 218-213 to pass the Save America Act. Rep. Henry Cuellar (D-TX) was the sole Democrat to join Republicans in supporting the legislation. See **here** for the vote.
    b. The Senate companion bill is **S. 1383.**
    c. Senate Majority Leader Thune announced publicly that he'd schedule it for a vote.

d. AARO will advocate vigorously against the SAVE America Act.

3. The **Proving Residency for Overseas Voter Eligibility (PROVE) Act** (H.R. 4851) would require non-military Americans living overseas to prove a "verifiable mailing address" of a "current residence" in the United States. Those without a U.S. address would be deemed residents of Washington DC. for purposes of voting.
    a. AARO and its partners have written a **Statement** declaring their strong opposition to the PROVE Act.
    b. The PROVE Act has 4 co-sponsors. See **here** to see if your Representative is a co-sponsor.

4. The **Make Elections Great Again (MEGA) Act (H.R. 7300)**, introduced on January 30, 2026, would require photo identification, verification of citizenship (either by mail or in person), voter list maintenance requirements and paper ballots only, and would eliminate absentee ballot grace periods. It would also prohibit delivering ballots for others, ranked choice voting, and universal vote by mail.
    a. This bill already has 58 co-sponsors. See **here** if your Representative is a co-sponsor.
    b. AARO will advocate vigorously against the MEGA Act.

5. The **To codify Executive Order 14248, entitled "Preserving and Protecting the Integrity of American Elections" Act (H.R. 2499)** was introduced in the House to convert the Executive Order mentioned below into law.
    a. The bill has 4 co-sponsors. See **here** to see if your Representative is a co-sponsor.

Federal Lawsuits

There are four lawsuits in federal courts, two of which ask courts to eliminate the "grace periods" that allow timely cast and properly postmarked ballots to be counted after election day. Loss of grace periods would negatively impact overseas Americans, who need this extra time for their ballots to arrive. The other two lawsuits ask the courts to prohibit proof of citizenship requirements in two states. Proof of citizenship requirements would negatively affect overseas voters because they would require public disclosure of highly sensitive personally identifiable information, thereby exposing overseas voters to unnecessary and serious physical, cyber, and identity-theft risks.

1. ***Watson v. Republican National Committee***: The Republican National Committee and the Mississippi Republican Party claim that Mississippi's grace period (requiring timely mailed ballots to be counted if received within 5 business days after Election Day) violates federal law. The case is in the Supreme Court.

a. On January 9, 2026, AARO partnered with others to file an **amicus brief** at the Supreme Court, urging the Court to respect Mississippi's grace period. The case is scheduled to be heard in March 2026.

2. ***Bost v. Illinois State Board of Elections et al***: Congressman Michael Bost brought suit to prevent Illinois from counting mail ballots that are voted by election day and received within the following fourteen days, even though this grace period is consistent with Illinois law.
    a. The Supreme Court held on January 14, 2026, that a candidate has standing to challenge the rules that govern the counting of votes for the election.
    b. This ruling may lead to more post-election challenges by losing candidates.

3. ***Coalition for Open Democracy v Scanlan***, consolidated with ***New Hampshire Youth Movement v. Scanlon*****:** Organizations and individuals brought suit alleging that newly enacted New Hampshire HB 1569, which requires proof-of-citizenship documentation for voter registration, violates the U.S. Constitution.
    a. A motion to dismiss was denied by the U.S. District Court of New Hampshire on July 29, 2025. The case is ongoing.

4. ***League of Women's Voters of Louisiana et al v Landry***: Various civil rights organizations brought suit challenging the documentary proof-of-citizenship requirement of SB 436 in Louisiana on the basis that it violates the National Voting Rights Act, as well as the 1st and 14th Amendments of the U.S. Constitution.
    a. The U.S. District Court in Louisiana denied the defendant's motion for a stay on December 8, 2025. This means that the case will continue.

Executive Action

The Executive branch is attempting to insert itself into states' rights on voting by imposing its own documentary proof of citizenship requirement, although these efforts have not yet been successful on Constitutional grounds.

An **Executive Order** signed by President Trump on March 25, 2025, instructed the Election Assistance Commission (EAC) to require documentary proof of citizenship in order to register to vote. The Executive Order overlaps somewhat with the SAVE Act. Several lawsuits were filed to prevent enforcement of the Executive Order:

1. Three consolidated cases: ***League of United Latin American Citizens v. Trump***, 1:25-cv-0946; ***Democratic National Committee v. Trump***, 1:25-cv-0952; ***League of Women Voters Education Fund v. Trump***, 1:25-cv-0955
    a. On October 31, 2025, the Federal District Court for the District of Columbia issued a permanent injunction against the EAC from implementing Section 2(a) of the Executive Order to modify the Federal Form to require documentary proof of U.S. citizenship.

b. On January 30, 2026, the Federal District Court for the District of Columbia **ruled** that provisions of the Executive Order that impose new requirements for verifying the U.S. citizenship of people registering to vote, or applying to receive absentee ballots, are inconsistent with the constitutional separation of powers and cannot lawfully be implemented. In addition, the Executive Order's request to add proof of citizenship to Federal Post Card Applications used by the military and Americans living abroad violated UOCAVA.

2. ***California v. Trump***, 1:25-cv-10810 (D. Mass. Filed Apr. 3, 2025).
    a. The case is ongoing.

3. ***Washington v. Trump***, 2:25-cv-0602 (W.D. Wash. Filed Apr. 4, 2025).
    a. On January 9, 2026, the Federal District Court for the Western District of Washington **ruled** that the Executive Order violates the separation of powers, and that the president had no authority to impose new election rules that threatened to disenfranchise voters and override state law. Specifically, the ruling blocked provisions that would have forced voters to produce documentary proof of citizenship and that tried to ban the states from counting mail-in ballots received after Election Day.
    b. The court wrote: "*In granting this relief, the Court seeks to award Plaintiffs the complete relief to which they are entitled to under the Constitution and restore the proper balance of power among the Executive Branch, the states, and Congress envisioned by the Framers*."

A **Petition by America First Legal Foundation** sent to the EAC on July 16, 2025, asked the EAC to require documentary proof of citizenship in order to register to vote. This is a "back-door" attempt to avoid the efforts to stop the Executive Order.

a. EAC asked the public for comments.
b. AARO filed its **comment** on October 16, 2025
c. The comment period has now closed. Hundreds of thousands of comments were sent and are being analyzed by the general counsel's office.

Threats to Voting at the State Level

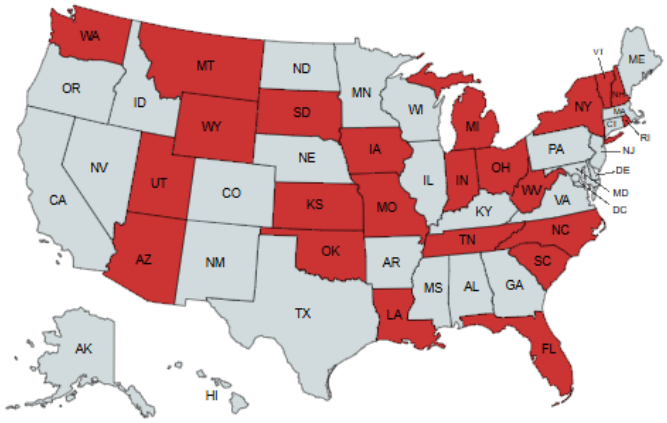
Contrary to federal efforts, decisions in state courts and changes in state legislation have already undermined voting access for overseas Americans. Concerningly, more are on the horizon.

State Legislation

Efforts that would make voting more difficult for U.S. citizens residing abroad are playing out through state legislation, many of which are similar to the federal SAVE Act in that they require documentary proof of citizenship. Although these state bills don't specifically state that this proof must be presented "in person," the risk remains. It is not at all clear how these states would expect overseas voters to present the proof. Each state could impose its own requirement, leading to inconsistency throughout the country. Asking U.S. citizens to send a copy of their passport via international postal services or by email creates an immense security vulnerability, exposing voters

to a risk of data breach and identity theft. There is no federally certified system for overseas voters to securely upload or transmit personally identifiable information or for election officials at the receiving end to verify it safely.

Other states would require proof of residency or would eliminate grace periods; North Carolina seeks to eliminate the right to vote in federal elections for "born abroad" U.S. citizens who have not established residency there; and West Virginia attempts to totally eliminate overseas voting (other than for the military)!



Each item below links to the relevant legislation, but if you cannot access the site, it may be because the state blocks internet permit access from overseas IP addresses.

1. **Arizona**: HB 2492: Implemented in 2024. Requires documentary proof of citizenship when registering for state and local elections.
2. **Florida**: Three similar bills:
    a. HB 991: Intended to be effective July 1, 2026, would require citizenship status to be verified in Florida Department of Highway Safety and Motor Vehicles.
    b. HB 985: A targeted bill intended to be effective July 1, 2026, would require voters to prove citizenship before ballot is mailed.
    c. S 1334: Amended on February 4, 2026, and intended to be effective July 1, 2026, would create a new proof of citizenship requirement applicable to new registrants and currently registered voters.
3. **Iowa**: SF 2203: Introduced on February 5, 2026. If the state cannot confirm citizenship, that person is notified and given a chance to prove it - if they don't within 90 days, their registration could be canceled.
4. **Indiana**: HB 1166: Introduced on January 5, 2026. Voter registration applications must include proof of citizenship.
5. **Kansas**: SB 4**:** In force since January 1, 2026. Requiring the return of advance voting ballots by 7:00 p.m. on the day of the election (elimination of grace periods).
6. **Louisiana**: SB 436: Enacted in 2024, with an effective date of January 1, 2025. Requires documentary proof of U.S. citizenship when registering to vote. Not yet implemented and subject to litigation. See ***League of Women's Voters of Louisiana et al v Landry*** discussed above in Federal Lawsuits.
7. **Michigan**:
    a. HB 4765: Introduced August 13, 2025, would require documentary proof of U.S. citizenship when people register to vote.
    b. A House Joint Resolution, amended April 30, 2025, proposing an amendment to the Michigan State Constitution that would require voters to verify their U.S. citizenship in order to register to vote, beginning in December 2026.

8. **Missouri**:
    a. S 986: Introduced January 7, 2026, would require documentary proof of U.S. citizenship as a condition of voter registration, among other changes.
    b. S 1122: Introduced January 7, 2026, would require documentary proof of U.S. citizenship as a condition of voter registration, among other changes.
9. **Montana**: HB 413: Enacted May 1, 2025. Imposes stricter residency requirements. Overseas voters must state whether they "intend to return." Voters from abroad would still be eligible to register and vote under UOCAVA, although local election officials may create difficulties.
10. **New Hampshire**:
    a. HB 1569: Enacted in 2024. Requires documentary proof of citizenship when registering to vote. This statute is at issue in ***Coalition for Open Democracy v Scanlan***, consolidated with ***New Hampshire Youth Movement v. Scanlon*****,** mentioned above in Federal Lawsuits.
    b. SB 287: Enacted in 2024. Requires applicants for absentee ballots to present a copy of their photo identification with their application. This statute is at issue in ***Robertson et al v Scanlan et al*** mentioned below in State Lawsuits.
    c. HB 1382: Proposed in January 2026, would require that overseas voters, except military voters and their families, transmit proof of citizenship in order to register to vote or maintain voter registration.
11. **New York**:
    a. S 1299**:** Introduced January 9, 2025, would require first-time voters to provide proof of U.S. citizenship.
    b. A 4402**:** Introduced February 4, 2025, would require first-time voters to provide proof of U.S. citizenship.
12. **North Carolina**:
    a. HB 958: Filed April 10, 2025, would eliminate federal voting for overseas voters born outside of the United States. Note: They have already lost their right to vote in state elections in the ***Jefferson Griffin v. North Carolina State Board of Elections and Allison Riggs*** case, see here.
    b. State Constitutional amendment on November 3, 2026 ballot to require photo ID for all voters, including those voting by absentee ballot.
13. **Ohio**:
    a. H 601**:** Introduced November 18, 2025, would require mail ballots to be received by the close of polls on election day in order to be counted (eliminates grace periods) and would authorize boards of elections to send a notice to confirm many things, including U.S. citizenship
    b. H 233: Introduced April 15, 2025, would require applicants to provide proof of U.S. citizenship before being added to the voter registration rolls.
    c. H 153: Introduced March 19, 2025, would establish a proof of citizenship requirement for individuals flagged as potential noncitizens during the registration process or during new monthly reviews.
14. **Oklahoma**: S 659**:** Introduced February 3, 2025, would prohibit any state agency from offering voter registration materials to a person without first verifying that the person is a citizen of the United States and a resident of Oklahoma.

15. **Rhode Island**: H 5137**:** Introduced January 22, 2025, would require the state board of elections to verify the citizenship status of individuals on the voter registration list and establish a documentary proof of citizenship requirement.
16. **South Carolina**:
    a. H 4295**:** Introduced April 3, 2025**,** would require documentary proof of citizenship when registering, and require voters to re-register every 10 years.
    b. S 128: Introduced January 14, 2025, would require voters to provide documentary proof of citizenship with their voter registration applications.
    c. H 3628: Introduced January 14, 2025, would require all voter registrations to last for a term of ten years, after which time, a voter must provide valid ID to confirm residency and citizenship prior to the completion of their voter registration process.
17. **South Dakota**:
    a. SB 185**:** In force since March 2025, allows individuals to challenge another's ability to vote. It could affect overseas voters as they use past addresses and current residents could create confusion.
    b. SB 175: Introduced January 29, 2026, would require documentary proof of U.S. citizenship as a condition of voter registration and, if not provided, the person would be designated as a "federal voter" and could only vote in elections for president, vice president, United States senator and United States representative.
18. **Tennessee**:
    a. S 308: Introduced January 29, 2025, would require individuals registering to vote to provide proof of citizenship.
    b. S 1029: Introduced February 5, 2025, would create a documentary proof of citizenship requirement for UOCAVA voters who are not already registered when making a mail ballot request; would create a documentary proof of overseas residence requirement for civilian overseas voters and federal-only ballot voters; would create a new affidavit and witness requirement for UOCAVA ballots; would require voters to sign an affidavit attesting to eligibility for UOCAVA voting witnessed by two individuals aged 18 or older.
    c. H 851**:** Introduced February 4, 2025, is the companion bill to S 1029.
    d. H 202: Introduced January 16, 2025, would require individuals registering to vote to provide proof of citizenship.
19. **Utah**: H 209**:** as amended on January 26, 2026, would require voters to present documentary proof of citizenship to be eligible to vote for any office or proposition other than federal offices. Voters who have not presented documentary proof of citizenship may only vote a federal ballot.
20. **Vermont**: H 671: Introduced January 13, 2026**,** would require all individuals registering to vote to provide documentary proof of citizenship.
21. **Washington:**
    a. H 1585**:** Introduced January 23, 2025, would require individuals registering to vote to provide proof of citizenship and would require all existing registered voters to provide proof of citizenship or have their registration canceled.
    b. S 5817: Introduced April 21, 2025, would require voters to present documentary proof of citizenship as defined in Executive Order No. 14248 when registering to vote (this is the Executive Order mentioned above under Federal - Executive Action).

22. **West Virginia**:
    a. **HJR 18** and **SJR 8**: Introduced January 20 and January 14, 2026, respectively. Pending joint resolutions seeking to get a State Constitutional amendment on the ballot for 2026, which would provide that only citizens in the state are qualified to vote. This could lay the groundwork for legislation requiring documentary proof of citizenship.
    b. **HB 4691**: Introduced on January 21, 2026**,** would require that voting shall be by paper ballot; and provide that only active members of the United States Armed Forces or handicapped and disabled persons may vote absentee ballots. This would remove UOCAVA voters from the list of eligible absentee voters.
23. **Wyoming**: **HB 156**: Enacted in 2025. Requires documentary proof of citizenship when registering to vote.

Voting legislation is also proposed in Hawaii, Illinois, Maryland, Missouri, Mississippi, New Jersey, Oklahoma, Pennsylvania, Rhode Island and Utah whose effect on overseas voting is not yet clear. We are watching these states.

As mentioned at the beginning of this White Paper, although there are dozens of state voting laws recently enacted or introduced, we have limited our analysis to those that we believe could or would negatively impact the rights of Americans who vote from abroad.

State Lawsuits

We currently know of three lawsuits in state courts. One challenges a statute which requires photo ID with an absentee ballot. The other two aim to disenfranchise U.S. citizens who were born abroad but didn't establish residency in that state. These suits challenge the constitutionality of state laws that allow them to vote based on their U.S. citizenship, together with past or present parental residency in the state.

Current state laws regarding the voting rights of born abroad U.S. citizens are complex: These citizens can vote in both federal and state elections in a majority of states; they can vote only in federal elections in some states; and are not allowed to vote at all in 12 states. See AARO's **white paper** on the topic.

In the spring of 2025, the court in ***Griffin v. North Carolina State Board of Elections*** ruled that U.S. citizens born abroad who didn't establish North Carolina residency were no longer eligible to vote in state and local elections. Following this precedent, lawsuits have been filed in Michigan and Arizona, see below, to challenge similar laws allowing these citizens to vote and to permanently restrict their voting eligibility. See details below:

1. ***Republican National Committee, et al v. Benson***: The RNC and the Michigan Republican Party is suing Michigan Secretary of State Jocelyn Benson and others, alleging that state

election law and guidance from her office violate the state Constitution by allowing born abroad non-Michigan residents to vote in elections. The case is ongoing.

2. ***Republican National Committee et al v. Arizona***: The RNC and the Arizona Republican Party are suing to strike down an Arizona law that allows U.S. citizens born abroad to register and vote in the state based on their parents' residency, arguing that individuals who have never lived in Arizona do not meet the state's constitutional requirements for voters. The case is ongoing.

3. ***Robertson et al v Scanlan et al***: Visually impaired New Hampshire voters challenged New Hampshire Senate Bill 287, which requires voters requesting an absentee ballot to either (i) present a photo ID, (ii) mail in a copy of photo ID with the absentee ballot or (iii) have a notary sign the absentee ballot application.
    a. The New Hampshire Superior Court **dismissed** the case on December 11, 2025, holding that the requirements were not severe and did not unreasonably burden the right to vote. The ruling is being appealed.

Conclusion

There is plenty of detail in this White Paper. The details matter, but the bigger story matters more: there is a coordinated, nationwide push—at both the federal and state levels—to rewrite voting laws, and many of these changes threaten to undermine the voting rights of Americans abroad.

As this is an election year, these efforts are rapidly gaining momentum. These efforts fall into several “buckets,” those that impose documentary proof of citizenship, those that target the born abroad U.S. citizens who have not established a state residency, and those that attempt to eliminate “grace periods” for the arrival of timely cast and postmarked ballots.

Additional concerning proposals, which would essentially disenfranchise overseas Americans, have emerged: (1) The federal PROVE Act, which would deem all overseas Americans who do not have a U.S. “verifiable mailing address” to be voters in Washington DC, and (2) West Virginia’s HB 4691, which would eliminate absentee ballots except for active members of the United States Armed Forces or handicapped and disabled persons.

Of particular concern to AARO at the federal level are the SAVE Act and its offshoots: The SAVE Act itself, which passed the U.S. House of Representatives in 2025 and is now gaining traction in the U.S. Senate; the new SAVE America Act, which raced from introduction to passage in the House in just 12 days; and the newly introduced MEGA Act, which bundles SAVE Act provisions together with additional measures that would negatively affect the overseas vote. Senate Majority Leader Thune has indicated that the Senate *will take up* a version of the SAVE Act for a vote.

AARO expects a surge of activity in the coming months. The Voting Committee will continue monitoring these developments and updating this White Paper to keep you informed. In the meantime, we ask you to remain engaged and to take the following actions:

1. Advocate with us: AARO has instituted a membership advocacy program, encouraging members to ask their U.S. Senators to vote against the SAVE Act - see **here**.

2. Advocate against the SAVE America Act - see **here** or **here** as to how to contact your U.S. Senators.

3. If your state has pending legislation, write to your state representatives and tell them to vote against it. See **here** for an official website which should help you find the names of your state legislators. (*Note: Links in some states work better than others, so some of you may have to find the information elsewhere*)

4. Confirm that you are registered to vote in your state - see **here**. Contact your local election board to confirm they have all they need to keep you there - see **here**.

5. Help us keep this White Paper current: Keep a watch on events on the voting front in your state (lawsuits as well as legislation), and let us know if you hear of anything at contact@aaro.org.

6. Consider joining the **Voting Committee** to help us with our research. There is so much to do and we could use the help!

7. Check AARO's website now and then for information and for updated versions of this White Paper at **https://aaro.org/.**

We thank you for your continued engagement and assure you that AARO will continue to do its best - as it has for more than 50 years - to defend and protect your right to vote.

The Voting Committee

Doris Speer, Meredith Gowen Le Goff, Katelyn Mikyska and Kate Sable

****

The Association of Americans Resident Overseas (AARO) researches issues that significantly affect the lives of overseas Americans and keeps its members informed on these issues. Founded in 1973 and headquartered in Paris, AARO is an international, non-partisan association with members in 46 countries. For more information, please email us at **aaronews@aaro.org**.

Copyright © 2026 by The Association of Americans Resident Overseas. All rights reserved. Quotations and citations are welcome with attribution to the Association of Americans Resident Overseas: **https://aaro.org**.