

FOR IMMEDIATE RELEASE

Media Contact: Arabella Meyer
arabellacmeyer@gmail.com (347) 604-3161

Federal Court Strikes Down Executive Order Restricting Citizen Access to Voter Registration

Boston, MA—Lawyers Defending American Democracy (LDAD) is pleased that a federal district court in Washington, D.C., ruled in favor of the plaintiffs who challenged President Trump’s Executive Order seeking to limit the number of citizens able to register to vote in federal elections. LDAD filed an amicus brief in the case in August, urging the court to block implementation of the Executive Order’s documentary-evidence requirement nationwide to ensure “complete relief” for plaintiff organizations and their members.

The challenged Executive Order mandated revisions to the congressionally authorized Federal Form for voter registration, replacing longstanding options that permitted applicants to attest to their citizenship without having to provide specified documentary proof. The practical effect of an Executive Order requiring such documentary proof would have been to sharply reduce the number of eligible voters—both because of the limited types of acceptable documentation allowed and because plaintiff organizations would be forced to divert scarce resources to assist fewer citizens in complying with the new mandate, impeding their ability to help citizens register to vote.

Plaintiffs, including the League of Latin American Citizens, argued that the Executive Order violated the Constitution’s separation of powers because the President lacks authority to regulate federal elections, which the Constitution assigns to Congress.

The federal district court judge ruled that the Executive Order’s documentary-evidence requirement violated separation of powers. [Memorandum Opinion (Mem. Op.) at 66] As the court held: “Because our Constitution assigns responsibility over election regulation to Congress and the States, not the President, [the documentary evidence] command exceeds the President’s authority.” (*Mem. Op. at 65*). The court further confirmed that neither the Constitution nor any federal statute expressly or implicitly authorized the President to mandate this requirement. (*Mem. Op. at 54–58*.)

The court permanently enjoined federal officials from taking “any action to implement” the documentary-evidence requirement. (*Mem. Op. at 81*.) Consistent with LDAD’s amicus arguments, the court found, in part, that if the requirement “is implemented anywhere, some of the Nonpartisan Plaintiffs will face irreparable harms to their voter registration activities, some Plaintiffs’ members will face irreparable harm to their individual interests in registering to vote and having their votes counted in upcoming federal elections[.]” (*Mem. Op. at 76*.)

This ruling represents a critical safeguard against unconstitutional interference with citizens’ ability to register to vote as the law allows. As Georgetown University Law Center Professor Mitt Regan, a principal author of the brief, stated, “LDAD is pleased that the court recognized the constitutional limits on presidential power and protected voters from barriers that Congress never authorized.”

###

Lawyers Defending American Democracy (LDAD) was founded in 2019 and is a 501(c)(3) organization dedicated to the protection of the rule of law, the Constitution, and democracy. LDAD's work includes authoring Calls-to-Action, amicus briefs, and articles calling for adherence to the rule of law and encouraging the legal profession and the public to join in speaking out against threats to the norms, freedoms, and principles of our democratic institutions. LDAD's most recent initiative is Meeting the Moment, a call to lawyers across the country to engage with their communities in response to the attacks on our democratic institutions. For further information about LDAD, see <https://ldad.org/>