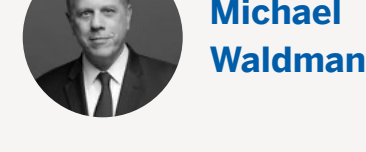


ANALYSIS

Restricting the Freedom to Vote

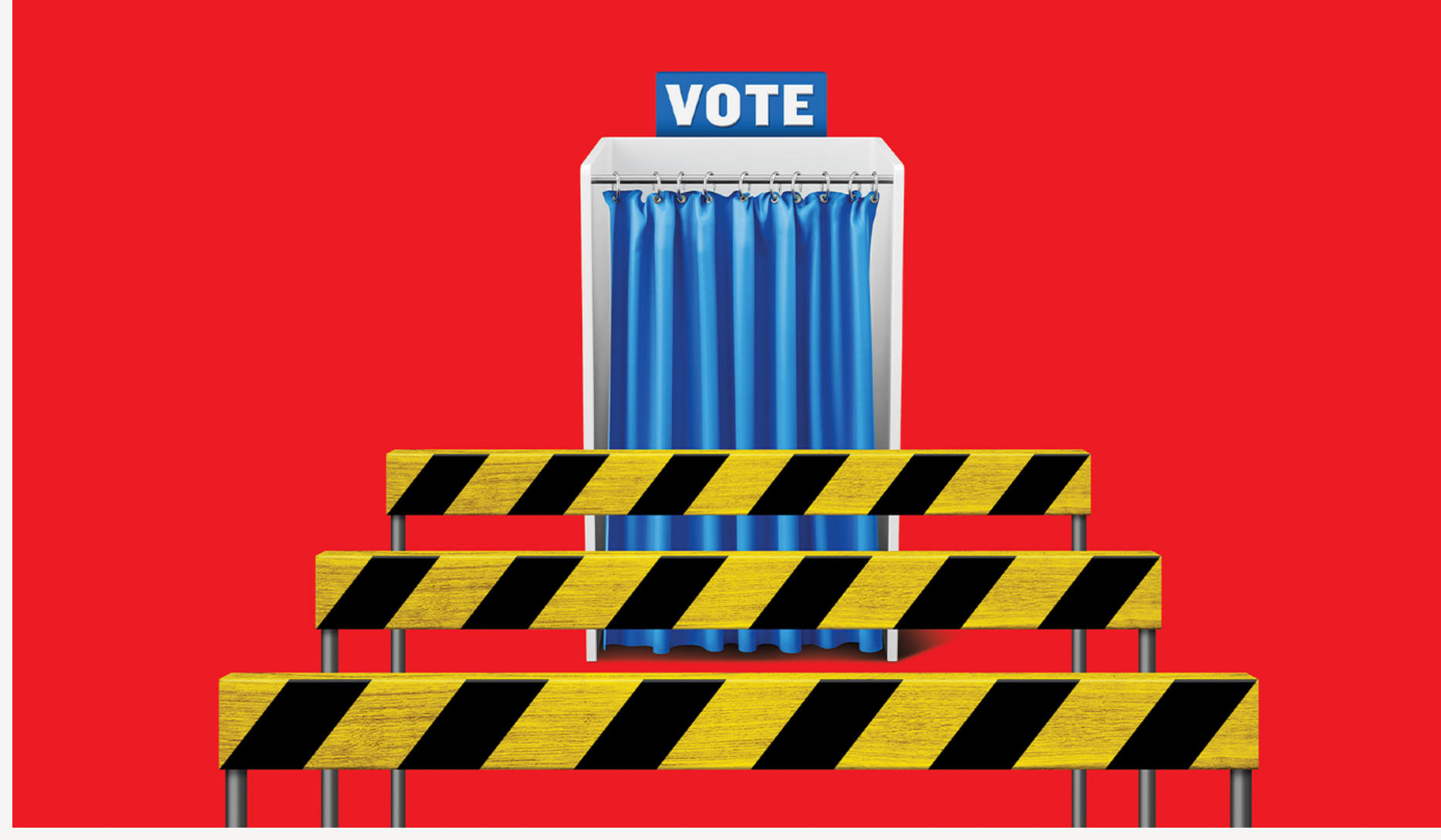
The SAVE Act would be one of the worst voting laws in congressional history.



Michael Waldman

Updated February 5, 2026 // Published January 28, 2025

[Voting & Elections](#)



Matt Chase

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Update: On April 10, 2025, the House passed the SAVE Act. However, the bill failed to advance in the Senate amid nationwide public opposition. In January 2026, lawmakers in both the House and Senate renewed their push to pass the SAVE Act, introducing [multiple new bills](#) that advance its “show your papers” requirements for voter registration.

Amid the drama and bombast consuming the executive branch, Congress is preparing to act on legislation that could restrict the vote for millions of eligible American citizens.

This would be the worst voting bill to be passed by Congress in memory, probably ever. It would restrict millions of eligible citizens from registering. And in the clamor of the moment, it could slip through. Defenders of democracy need to stand up, stand firm, and fiercely call attention to its risks.

It’s called the SAVE Act. It would require all citizens to produce a document like a passport or birth certificate each time they register to vote — even when they re-register if they move. This new and unprecedented national requirement has the potential to block millions of eligible Americans from casting ballots.

More than [21 million eligible](#) voters just don’t have these documents readily available. Most Americans simply [don’t have a passport](#). (*How do they summer in France without it?*) Millions have a birth certificate but don’t know where it is or have easy access to it. (*In a box in my mother’s closet? I know I saw it somewhere.*)

Some Americans are more likely than others to lack easy access to these documents, including younger voters, voters of color, and the millions of married women who have changed their last names (so their documents don’t match). The proposed law would upend the most popular methods of voter registration, such as mail-in registration under a previous federal law (the 1993 National Voter Registration Act) or registering online through state government websites. It would be a federal government power grab, all to restrict the vote.

Two states tried a version of the SAVE Act over the past decade: In Kansas and Arizona, such rules kept [tens of thousands](#) of eligible citizens from registering to vote. Kansas’s rule was eventually struck down altogether, while Arizona has been barred from applying its restriction to federal ballots.

We expect the House to take up the measure as early as next week. Politicians will pontificate about how they are protecting election integrity. But federal and state law already provide that only American citizens can vote in federal and state elections. States have multiple systems in place to ensure that only U.S. citizens vote. As a result, exceptions are [vanishingly rare](#). For a politician a gaffe is accidentally saying something true. Last year, House Speaker Mike Johnson [acknowledged](#) he had no evidence of misconduct. “We all know intuitively that a lot of illegals are voting in federal elections,” he claimed, but then admitted, “But it’s not been something that is easily provable.” In fact, it’s easily disprovable.

If the SAVE Act passes in the House, the matter would then move to the Senate. Because it is not a budget bill, opponents would have a chance to demand debate. Sixty votes would be required to move to a final vote.

Why would Congress consider such a backward measure? Raw politics. It’s part of a wider effort to restrict the freedom to vote, especially for targeted groups of Americans. A Republican Party that embraced Donald Trump’s conspiracy theories would see them written into law. They seem to quietly hope that the measure will keep the “wrong” kind of voters away from the polls. In recent years, Democrats pushed strong voting rights bills, which fell just short. Standing up against harshly restrictive measures such as the SAVE Act will test their commitment to the cause of democracy.

Again, it’s hard to overstate the impact of this bill on millions of Americans. Unlike an executive order or a presidential tweet, it would be written into the book of law and apply to voters in every state. I wrote a book in 2016, [The Fight to Vote](#), looking at the 250-year history of the expansion of the franchise in our country. When the federal government got involved, it usually pushed to ensure voting rights for more citizens. This would be the first time I’m aware of that Washington would intervene to take away that right from millions.

Trump continues to press the lie that he really won the 2020 election. He pardoned nearly 1,600 insurrectionists — many of them violent — who stormed the Capitol in an effort to overturn that election. This time, Trump actually won.

But so did members of this Congress. The public handed Republicans razor-thin majorities in both houses, with Democrats still holding a crucial power to block dangerous legislation in the Senate. A vote for this misguided measure would be a vote to potentially block millions of constituents from registering and voting. Citizens don’t pay that much attention to politics — but when a sacred right is taken away, they notice, and they get mad. As ever, the right to vote demands a fight to vote.

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